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VIA ELECTRONIC CORRESPONDENCE

February 10, 2021

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File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
Tom.Mariani@usdoj.gov

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
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Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Jason.Andreotta@dep.state.fl.us

**RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),
Reference DOJ Case No. 90-5-1-1-4022/1,
Section XI, Paragraph 52 – Potential Delay,
Section XVII, Paragraph 77 – Notices,
Update on Potential Delay Notification for Consent Decree Appendix D-2, Capital
Improvement Projects 2.11 Effluent Pump Station at CDWWTP**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on January 28, 2021, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Delay of CD Capital Improvement Project (CIP) Project 2.11 Effluent Pump Station. A delay has occurred in the Construction phase of this project related to the first phase of commissioning of the pump motors.

In accordance with Section XI, Paragraph 52, this update letter shall further describe and explain the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to

prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; County's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health or the environment, and documentation to support the force majeure claim.

Background

The original CD project description for CD 2.11 was pump replacement in effluent pump station. However, on May 3, 2017, during the Basis of Design Report (BODR) development, review, and approval, FDEP requested an update of the BODR to accommodate the Ocean Outfall Legislation's 600 horsepower (HP) motors requirement. On August 3, 2017, a meeting was held with FDEP to discuss the BODR and a non-material change request to update the project description to Effluent Pumps Station Electrical Improvements. In addition, and to support the non-material change, a technical memorandum dated April 25, 2018, was submitted to FDEP, which provided an explanation of the BODR document evolution.

The resulting scope of the CD 2.11 project consists of furnishing all materials, labor and equipment necessary for the electrical improvements of eight effluent pumps. The work includes, but is not limited to, replacing the motors for the existing effluent pumps with new 600 HP motors, the construction of a new catwalk for the motors inside the existing building, and the construction of a new one-story electrical building with an elevated first floor which will house all new electrical switchgear, transformers, motor control centers, variable frequency drives, and other electrical and control equipment for the pump station operation. The existing electrical gear, transformers, motor drives and pump motors, and other electrical components at the existing building will be removed.

Explanation and description of the reasons for the delay

Project CD 2.11 has encountered delays during the Construction Phase as the new motor for Pump No. 1 was being commissioned. At this time, it was found that the existing pump could not rotate freely due to an axial displacement. Therefore, the pump had to be removed, disassembled, and inspected to determine the possible causes. The inspection reflected that the pump requires the impeller and bearings to be repaired/replaced in order to operate properly with the new motor. The County anticipates the duration to inspect, repair, and reinstall the pump will be between four and six weeks. Currently, there are 5 pumps remaining to be commissioned that could present additional unforeseen issues similar in nature and will require repair.

Action taken or to be taken to prevent or minimize the delay

For Project CD 2.11, the County will repair the Pump No. 1 in accordance with the manufacturer recommendations. The County will closely monitor progress in the commissioning of the remaining pumps and will report any further potential delays to EPA immediately when it becomes known to the County.

Anticipated duration of the delay

The time impact of completing the commissioning will remain undetermined until the County is able to diagnose and repair, if needed, any/all remaining pumps as the contractor proceeds forward with motor installation. The County will provide an update on the duration of the anticipated potential delays, upon completion of the analysis of the repairs.

Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay

The County will take the following steps to prevent or mitigate delay or the effect of the delay:

1. County to closely oversee the commissioning and expedite the repair of the pumps, if needed
2. County to work with the Contractors to mitigate any additional delays once commissioning and testing begins
3. County to report further delay to EPA when issues arise

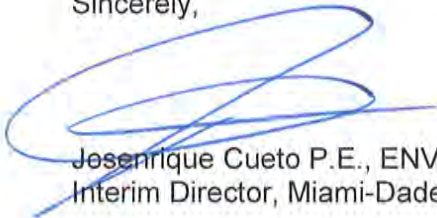
Cause or contribution to an endangerment to public health, welfare or the environment

Improvements performed under CD CIP 2.11 are needed to prevent failure and/or inefficiency of Pumps' Electrical Systems resulting in unpermitted effluent discharge into surrounding waters. There is no indication that delays in electrical improvement of the effluent pump station present an immediate endangerment to the public health, welfare or the environment.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

Sincerely,



Jos Enrique Cueto P.E., ENV SP, LEED® Green Associate
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