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VIA ELECTRONIC CORRESPONDENCE

February 13, 2018

CCN: 61648
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
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
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
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Ammons.Brad@epa.gov

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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
Potential Delay Notification Letter for Consent Decree Appendix D-2, Capital Improvement Project 2.5 CD WWTP Oxygenation Trains Plant 1

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on January 30, 2018, Miami-Dade County (County) electronically notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a delay of CD Capital Improvement Project (CIP) 2.5 CD WWTP Oxygenation Trains Plant 1. The January 30th email stated that the anticipated Construction Phase Notice to Proceed issue date was not met, and as a result, the Contractor would not be able to complete the project within the predetermined contract duration required to meet the CD compliance date. This delay will impact the project CD compliance date of April 15, 2018.

In accordance with Section XI, Paragraph 52, this notification 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; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health, welfare or the environment.

Explanation and description of the reasons for the delay

The scope of this project includes the structural rehabilitation of Central District WWTP Plant 1 oxygenation trains and requires the use of specialty companies experienced in protective coatings for application on existing WWTP structures. The Request for Price Quotation (RPQ) was issued to all listed contractors under Bid No. 00103 Protective Coating Services, with an intended procurement duration of 60 days. However, the bid process has been delayed due to unforeseen circumstances.

In addition, work on this project can only be performed during the dry season. Due to the extended procurement duration, the anticipated Notice to Proceed (NTP) date was missed, impacting the project completion compliance date of April 15, 2018.

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

The County will continue to explore all avenues to mitigate the delay once a final decision is made on the award of the contract. During construction, additional actions to be taken to minimize the delay include, but not limited to, the following:

1. Engage the Contractor in a focused schedule review of any potential issues that may affect critical path and completion of the work.
2. Consider extended hours of work to improve schedule delivery of critical items.
3. Meet with Contractor to discuss additional work resources on the project to expedite key elements of the work.
4. Coordinate with Safety Officer to ensure an expedited review of the safety plan occurs following submittal.

Anticipated duration of the delay

On December 22, 2017, the County submitted to EPA and FDEP a Request for Schedule Modifications related to projects in Appendix D and E of the Consent Decree with justifications. Included in this request, is the referenced project. The requested new compliance date is April 12, 2019.

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

The structural rehabilitation of CDWWTP Plant 1 oxygenation trains is necessary to ensure continued and uninterrupted biological treatment at the CDWWTP. It is the County's opinion that this delay will not present an immediate endangerment to the public health, welfare, or the environment.

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

I certify under penalty of law that this document was 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.

Sincerely,



Hardeep Anand, P.E., ENV SP
Deputy Director, Capital Improvement Programs & Regulatory Compliance

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