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VIA ELECTRONIC CORRESPONDENCE

November 22, 2022

CCN: 64598
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
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
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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 – Delay,
Section XVII, Paragraph 77 – Notices,
Potential Force Majeure Notification for Consent Decree Appendix D-2, Capital
Improvement Projects due to Subtropical Storm Nicole**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on November 8, 2022, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Force Majeure for CD Capital Improvement Projects (CIPs) in construction due to Subtropical Storm Nicole. A Tropical Storm Watch was issued for South Florida and the County initiated storm preparation measures. The purpose of this letter is to advise EPA and FDEP that the Subtropical Storm Nicole did not impact any of the Consent Decree projects in Construction.

After the Tropical Storm Watch was lifted on November 9, 2022, each Consent Decree project in construction was field inspected for damage and/or impacts to the project schedules. Based on the findings, the County concluded that the projects in construction did not experience Force Majeure impacts related to the Tropical Storm Watch.

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) 552-8894.

Sincerely,



Marisela J. Aranguiz, P.E.
Deputy Director
Miami-Dade Water and Sewer Department

ec: Anita Patel
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