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VIA ELECTRONIC CORRESPONDENCE

August 13, 2020

CCN: 63338
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, Region4
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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 Force Majeure,
Section XVII, Paragraph 77 – Notices,
Force Majeure Notification for Consent Decree Appendix D-2, Capital
Improvement Projects in Construction due to Hurricane Isaias**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on July 31, 2020, 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 of CD Capital Improvement Projects (CIPs) in Construction due to Hurricane Isaias.

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.

Explanation and description of the reasons for the delay

The County's Water and Sewer Department (WASD) and their contractors have hurricane preparedness guidelines designed to maximize the safety of the public and employees and mitigate potential damage due to hurricanes. On July 28, 2020, WASD issued directives to their contractors to have the construction sites secured per their Responsive Hurricane Preparedness Plans by the close of business day on July 31, 2020. The threat of Hurricane Isaias and the associated activities conducted to minimize the potential risk to public safety and of damage to property may have caused some delays impacting CIP projects in construction on the three (3) regional WWTP's, and multiple pump station and force main projects.

Fortunately, there were no reported impacts nor damages related to the passage of Hurricane/Tropical Storm Isaias.

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

The County believes that the implementation of these preparation activities, initiated on July 28th, were appropriate to ensure safety and prevent damage to life and property. Direction to return the construction sites to their normal condition and activities was given on Monday August 3, 2020.



Anticipated duration of the delay

The County does not anticipate delays resulting from the impacts of Hurricane/Tropical Storm Isaias on the CD CIPs in construction.

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

There is no indication that the preventative hurricane preparedness activities presented 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,


Lynnette M. Ramirez P.E.
Senior Advisor, Capital Improvement Programs & Regulatory Compliance

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