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Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

VIA ELECTRONIC CORRESPONDENCE

April 18, 2023

CCN: 64831
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
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Rachael.Kamons@usdoj.gov

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,
Appendix D-2, Capital Improvement Project 5.3 Upgrade of Pump Station No. 0692,
Request to Waive Potential Stipulated Penalties**

Dear Sir/Madam:

The purpose of this letter is to request that the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) waive potential stipulated penalties, if any, associated with delays to the completion of Consent Decree (CD) Capital Improvement Project (CIP) 5.3 Upgrade of Pump Station No. 0692 located at 30211 SW 147th Avenue, Homestead, Florida 33033.

The CD defined scope of work for CD 5.3 consisted of replacement of pumping and electrical equipment. The actual scope of work for the project included demolition of existing equipment, replacement of booster and wet well pumps, piping, valves, appurtenances, building roof, doors,

windows, louvers, HVAC, plumbing, field instruments, site work and bypass piping. The work also includes removal of an existing indoor generator, converting the existing generator room into an electrical room and adding a new outdoor generator with integral fuel storage tank. The new electrical room includes new self-contained Variable Frequency Drives to control each booster pump motor, new light-emitting diode lighting, new panel boards, Motor Control Center, automatic transfer switch, and a dry-type step-down transformer. The control systems for the wet well pumps and booster pumps were replaced with a new control system which includes new Programmable Logic Controllers with HMI screen, a MultiSmart controller and the Remote Telemetry Unit.

On May 5, 2020, Miami-Dade County (County) notified EPA and FDEP that Project CD 5.3 experienced COVID-19 Force Majeure delays during the construction that impacted the CD compliance date of June 17, 2020 (Exhibit A).

On June 16, 2020, the County submitted a Failure to Meet Compliance Date and Project Status Update for CD 5.3 Upgrade of Pump Station No. 0692 (Exhibit B). On November 20, 2020, the County submitted a Notification of Completion to notify EPA and FDEP that the project achieved substantial completion on November 17, 2020 with a 153-day delay (Exhibit C).

The following project delays were attributed to Force Majeure events:

1. On March 24, 2020, the contractor was notified that Miami-Dade County's Department of Regulatory and Economic Resources was closing the Permitting and Inspection Center due to COVID-19. The closure resulted in a 14-day delay in the project schedule. (Exhibit D)
2. On March 13, 2020, Florida Power & Light Co. (FPL) notified customers that they were temporarily suspending non-emergency in-home and in-business visits as part of their pandemic protocols. These protocols created a backlog that resulted in a 10-day delay in transferring electrical service to the pump station (Exhibit E)
3. On April 10, 2020, the contractor notified the County that a member of the construction crew tested positive for COVID-19. All employees who were working in the general area of the employee were instructed to quarantine per CDC guidelines and access to the work area was restricted. The COVID-19 Force Majeure event resulted in a 7-day delay (Exhibit F).
4. On September 14, 2020, the County submitted a Request for Time Extension due to preventative measures taken to secure the construction site in preparation for the potential impacts of Hurricane Isaias. The County issued the directive to secure the sites on July 28, 2020, and the sites were secured on July 31, 2020. As a result, the project was impacted by a 4-day Force Majeure delay (Exhibit G).

As defined in the "Consent Decree under Section XI Force Majeure, Paragraph 51, "Force Majeure" is defined as any event arising from causes beyond the control of Miami-Dade, of any

entity controlled by Miami-Dade, or of Miami-Dade's consultants and contractors that delays or prevents the performance of any obligation under this Consent Decree despite Miami-Dade's best efforts to fulfill the obligation. The requirement that Miami-Dade exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible."

As the delays detailed above arose from causes beyond our control, the County hereby seeks relief under Section XI of the Consent Decree for the 35-days of Force Majeure delays.

The following additional delay due to the implementation of improved operational standards was partially mitigated during construction with the intent of minimizing project delays:

1. Pump Station operation standards were re-evaluated and improved to meet new resiliency objectives adopted by the County during the period of time between design completion and commencement of construction. The County seized the opportunity to improve resiliency of the pump station by providing redundancy and the ability to control the pump station remotely through the County's Supervisory Control and Data Acquisition (SCADA) System. The additional scope of work resulted in a 162-day delay from May 16 to October 25, 2020, and this work was also being performed during the COVID-19 Pandemic.

The County worked with the contractor during construction to mitigate delays to project completion. The mitigation efforts included:

- Leveraging existing relationship with FPL to prioritize electrical service.
- Implementing preventative safety measures to limit the spread and impacts of COVID-19.
- Re-evaluating construction sequencing.
- Streamlining procurement process.
- Working with the material and equipment suppliers to expedite delivery to the site.
- Evaluating contractor's recovery schedule and propose any alternative to minimize delay, when applicable.

The continued efforts and mitigating actions by the County to limit project delays resulted in substantial completion on November 17, 2020, 153-days past the EPA compliance date.

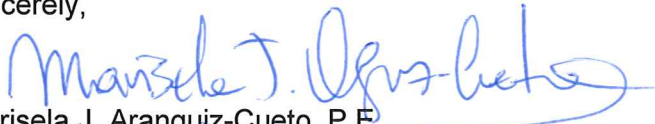
Section X, Paragraph 44 of the Consent Decree states, "Either sovereign may waive stipulated penalties or reduce the amount of stipulated penalties it demands, in the unreviewable exercise of its discretion and in accordance with this Paragraph 44." As the County put forth best efforts to mitigate delays and improve the pump station beyond the required scope to best meet future operational demands, we request that EPA and FDEP use their discretion and waive potential stipulated penalties, if any, associated with this project. The County was proactive in communicating the hardships and potential delays associated with this project. The County is not only meeting the intent of the consent decree, but also exceeding the required scope and monetary commitment to provide a more robust and resilient system to preserve and protect

public health and the welfare of the environment. The County has financial responsibilities to their customers and residents to disburse funds to best serve the needs of our community and any stipulated penalties assessed due to project delays could potentially be better invested towards other needed system upgrades.

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 or need additional information regarding this matter, please call me at (786) 552-8894.

Sincerely,



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

Attachment: Substantial Completion Inspection Form

ec: Anita Patel
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Paul Schwartz
Associate Regional Counsel
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Exhibit A



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VIA ELECTRONIC CORRESPONDENCE

May 5, 2020

CCN: 63183
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
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Chief, Clean Water Enforcement Branch
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**RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),
Reference DOJ Case No. 90-5-1-1-4022/1,
Section XI, Paragraph 52 – Force Majeure,
Section XVII, Paragraph 77 – Notices,
Delay Notification for Consent Decree Appendix D-2, Capital Improvement Project 5.3
Upgrade of Pump Station No.0692**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on April 21, 2020, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Force Majeure for CD Capital Improvement Project (CIP) 5.3 Upgrade of Pump Station No.0692 located at 30211 SW 147th Avenue Homestead, Florida, 33033. Delays have occurred in the execution of this project during the construction phase including Force Majeure COVID-19 Pandemic impacts. These delays will impact the project's CD compliance date of June 17, 2020.

In accordance with Section XI, Paragraph 52, this update letter shall further describe and explain the reasons for the delay and Force Majeure; 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; the anticipated duration 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 CD Exhibit D-1 project description for 5.3 is the replacement of pumping and electrical equipment at Pump Station (PS) 0692. The contractor's scope of work includes: demolition of existing equipment, replacement of booster and wet well pumps, piping, valves, appurtenances, building roof, doors, windows, louvers, HVAC, plumbing, field instruments, site work and bypass piping. The Work also includes removal of an existing indoor generator, converting the existing generator room into an electrical room and adding a new outdoor generator with integral fuel storage tank. The new electrical room will encompass new self-contained Variable Frequency Drives (VFD) to control each booster pump motor, new light-emitting diode (LED) lighting, new panel boards, MCC, automatic transfer switch, and a dry-type step-down transformer. The control systems for the wet well pumps and booster pumps will be replaced with a new control system which includes new Programmable Logic Controllers (PLCs) with HMI screen, a Multismart controller and the Remote Telemetry Unit (RTU).

Explanation and description of the reasons for the delay

On March 18, 2020 the Contractor sent a letter notifying that Miami-Dade County Department of Regulatory and Economic Resources will close the Permitting and Inspection Center (PIC) due to COVID-19. This closure of the Miami-Dade County PIC will impact the required permit inspections for all permits on the project.

On March 18, 2020 the Contractor sent another letter advising that considering the COVID-19 Pandemic, it is anticipated that equipment and material supply chains, labor availability, support service availability, and project accessibility will be impacted. The Contractor is reserving its rights to submit a claim in accordance with the Contract Documents for any delays and impacts which may be attributable to COVID-19 until such a time that the full effect of COVID-19 upon the Project is known.

On April 10, 2020, the Contractor advised that one of their employees working at the PS 0692 had tested positive for COVID-19. This employee had been working in the lower level of the pump station. Per the Contractor's COVID response plan, the Contractor directed all employees who were working in the general area of the employee not to report to work for a week and closed the access to the lower level of the pump station. The Contractor notified all subcontractors of the matter. On April 15, 2020, the Contractor disinfected the lower level of the pump station. On April 21, 2020, the Contractor resumed the work at the Station.

The above listed COVID-19 circumstances, along with some scope modifications to facilitate enhanced operational efficiencies and to improve safety, are affecting the schedule for the manufacture, delivery and installation of various electrical and instrumentation equipment required for the commissioning of the rehabilitated pump station.

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

Additionally, the County will take the following steps:

1. Implement COVID-19 preventative safety measures to avoid further contamination.
2. Evaluate contractor's recovery schedule and propose any alternative to minimize delay, when applicable.
3. Closely monitor construction progress.

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

The County is proactively implementing actions to minimize any further delays and will continue to implement all necessary measures to substantially complete CD 5.3.

Anticipated duration of the delay

ommm
Even though the County has implemented proactive public health safety measures to limit the spread of the pandemic, this situation and the ramifications are still developing. The County will provide an update for the anticipated duration of the delay, upon completion of the time impact analysis for the above activities. The County will closely monitor construction progress and report any further delay to EPA and FDEP when it becomes known to the County and as required by Section XI, Paragraph 52.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state and local agencies are taking actions to suppress and control the spread of COVID-19. The County is taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event as the County notified the EPA and FDEP in the April 3, 2020 Force Majeure Notification due to the COVID-19 Impacts letter.

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

Consent Decree Exhibit D-1 identified that the existing equipment is beyond its useful life. There is no indication that delays in CD 5.3, Upgrade of PS 0692, present an immediate endangerment to the public health, welfare or the environment. The PS 0692 is and will continue to be bypassed until upgrades works are completed.

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

ec: Barbara Jean Throne
Senior Assistant Attorney General, Complex Litigation
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Kevin T. Lynskey, Director
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Jack Osterholt, Deputy Mayor/Director
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Environment and Natural Resources Division
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Attachment

Contractor COVID-19 Notifications



Poole & Kent Company of Florida
1781 N.W. North River Drive
Miami, FL 33125
P.O. Box 420556
Miami, FL 33242

Phone: 305.325.1930
Fax: 305.324.0522

March 18, 2020

MDWASD PM/CM Team
3071 SW 38th Ave.
Miami, Florida 33146

Attn: Rennie Lopez

Re: CD 5.3 Upgrade of Pump Station 692

Sub: Notice of Delay and Notice of Impact – Novel Coronavirus Disease 2019 (COVID-19)
**MIAMI-DADE COUNTY PERMITTING AND INSPECTION CENTER (PIC)
CLOSURE FOR 14 DAYS**

Mr. Lopez,

On March 24, 2020, Poole & Kent has been notified that Miami-Dade County Department of Regulatory and Economic Resources will be closing the Permitting and Inspection Center for 14 days, effective March 25, 2020 due to COVID-19. This closure of the Miami-Dade County PIC will impact the required permit inspections for all permits on the project.

In accordance with Article 8 and Article 11 of the General Terms and Conditions, Poole & Kent is issuing formal notice for any delays and impacts which may be attributable to COVID-19. Until such a time that the full effect of COVID-19 upon the Project is known, Poole & Kent is reserving its rights to submit a claim in accordance with the Contract Documents and to be compensated for all cost and time adjustments allowable by the Contract Documents.

As you are aware, the situation is constantly evolving and beyond our reasonable control. We are committed to remain in communication with you and trust that you will do the same with us. We want to get back to normal work activities as soon as possible after these unprecedented circumstances have passed. In the meantime, if you have concerns regarding our approach, please contact me.

Sincerely,

Poole & Kent Company of Florida

A handwritten signature in blue ink, appearing to read "Mitchell MacClugage".

Mitchell MacClugage
Project Manager

CC: Brian MacClugage, Poole & Kent
Chris Marrero, Poole & Kent

**Media Contact:**

Tere Florin

tflorin@miamidade.gov

305-781-0399

Miami-Dade County Department of Regulatory and Economic Resources closing Permitting and Inspection Center for 14 days

MIAMI (March 24, 2020) — The Miami-Dade County Department of Regulatory and Economic Resources (RER) will close its Permitting and Inspection Center (PIC) located at 11805 SW 26 Street for 14 days, effective March 25, 2020.

The department has learned that three PIC employees have tested positive for coronavirus (COVID-19), bringing the total to four. RER is working closely with the Florida Department of Health (DOH) and following their recommendations. All PIC employees have been informed and instructed to self-isolate and self-monitor for 14 days.

All inspections scheduled for tomorrow are canceled, except for new construction inspections by Miami-Dade Fire Rescue's New Construction Bureau.

During the closure, [online services](#) will be available.

Further, staff will be available at the following emails:

Board and Code Administration: General inquiries: gascon@miamidade.gov or michael.goolsby@miamidade.gov. Board Administration: KAT045@miamidade.gov; Contractor Licensing: JL045@miamidade.gov; and Product Control: helmy@miamidade.gov.

Code Compliance: Lien services: lspic@miamidade.gov; building support (unsafe structures, work without permits, contractor enforcement): 311WWPR@miamidade.gov or 311CER@miamidade.gov.

Construction Permitting and Building Code: General inquiries: blgddept@miamidade.gov. For subsidiary permits or permits requiring no plan review, e-mail the application to RER_SPA@miamidade.gov.

Department of Health: new construction or repair of septic tank systems, call 305 623-3500.

As this is a fluid and evolving situation, service updates will be announced as decisions are made. RER is also working with DOH to implement a new service plan when the PIC reopens in two weeks.

Individuals in Miami-Dade County who believe they may have been exposed to COVID-19 should call the Florida Department of Health at 305-324-2400. If you have a medical provider, call them. If traveling to a medical office or facility, call ahead. For questions about COVID-19 in Florida, please call the Florida Department of Health at 1-866-779-6121. For a medical emergency, call 911.

For updated information, visit www.miamidade.gov/coronavirus.

###

To request materials in accessible format, sign language interpreters, and/or any accommodation to participate in any County-sponsored program or meeting, please call Alain Donderiz, 305-372-6779 or email,

Miami-Dade County Department of Regulatory and Economic Resources closing Permitting and Inspection Center for 17 days
*dondea@miamidade.gov, five days in advance to initiate your request. TTY users may also call 711 (Florida
Relay Service).*

Regulatory and Economic Resources

111 NW 1st Street, Suite 2910

Miami, FL 33128



Poole & Kent Company of Florida
1781 N.W. North River Drive
Miami, FL 33125
P.O. Box 420556
Miami, FL 33242

Phone: 305.325.1930
Fax: 305.324.0522

March 18, 2020

MDWASD PM/CM Team
3071 SW 38th Ave.
Miami, Florida 33146

Attn: Rennie Lopez

Re: CD 5.3 Upgrades of Pump Station 692
Notice of Delay and Notice of Impact – Novel Coronavirus Disease 2019 (COVID-19)

Mr. Lopez,

On March 9, 2020 Governor Ron DeSantis issued an Executive Order declaring a state of emergency for the State of Florida due to the COVID-19 Pandemic. Over the past week, it has become more and more apparent that, in light of the COVID-19 Pandemic, it is anticipated that equipment and material supply chains, labor availability, support service availability, and project accessibility will be impacted. In accordance with the Contract Documents CD 5.3 UPGRADES OF PUMP STATION 692, Poole & Kent is issuing formal notice for any delays and impacts which may be attributable to COVID-19. Until such a time that the full effect of COVID-19 upon the Project is known, Poole & Kent is reserving its rights to submit a claim in accordance with the Contract Documents and to be compensated for all cost and time adjustments allowable by the Contract Documents.

As you are aware, the situation is constantly evolving and beyond our reasonable control. We are committed to remain in communication with you and trust that you will do the same with us. We want to get back to normal work activities as soon as possible after these unprecedented circumstances have passed. In the meantime, if you have concerns regarding our approach, please contact me.

Sincerely,
Poole & Kent Company of Florida

A handwritten signature in blue ink, appearing to read "M. MacClugage".

Mitchell MacClugage
Project Manager

CC: Brian MacClugage, Poole & Kent



April 10, 2020

To: Rennie Lopez, PMCM

Re: Homestead Pump Station, S-908R: Positive COVID-19 Case

Mr. Lopez,

Poole & Kent has been advised that one of our employees has tested positive for COVID-19. This employee has been working at the above mentioned project in the lower level of the pump station. This to serve as notice in accordance with our COVID-19 Prevention and Reporting Plan.

Poole & Kent, is following the protocols included in our plan. Additionally, we have directed all employees who were working in the general area of the employee (that is the lower level of the pump station) not to report to work for the next week, and we have closed off access to the lower level of the pump station for the next week. We are now in the process of notifying all subcontractors of the matter.

Should you have any questions please contact me at Cell: 305-525-7165.

Regards,

David Lockhart, CHST
Poole & Kent Company of Florida
Safety Manager

CC: Brian MacClugage, Exec. VP

Mitch MacClugage, Project Manager

File

Exhibit B



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VIA ELECTRONIC CORRESPONDENCE

June 16, 2020

CCN: 63255
File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources
Division
U.S. Department of Justice
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Tom Mariani
Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
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**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,
Failure to Meet Compliance Date and Update on Delay Notification for Consent
Decree Appendix D-2, Capital Improvement Project 5.3 Upgrade of Pump
Station 0692**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on May 5, 2020, Miami-Dade County (County) notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Delay including Force Majeure COVID-19 Pandemic impacts to the execution of CD Capital Improvement Project (CIP) 5.3, Upgrade of Pump Station No.0692,

June 16, 2020

Page 2

located at 30211 SW 147th Avenue Homestead, Florida, 33033. The purpose of this letter is to provide an update on the status of this project to the EPA and FDEP. A delay occurred in the execution of this project during its construction phase and impacted the project's CD compliance date of June 17, 2020.

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 CD Exhibit D-1 project description for 5.3 is the replacement of pumping and electrical equipment at Pump Station (PS) 0692. The contractor's scope of work includes the demolition of existing equipment, replacement of booster and wet well pumps, piping, valves, appurtenances, building roof, doors, windows, louvers, HVAC, plumbing, field instruments, site work and bypass piping. The Work also includes removal of an existing indoor generator, converting the existing generator room into an electrical room and adding a new outdoor generator with integral fuel storage tank. The new electrical room will encompass new self-contained Variable Frequency Drives (VFD) to control each booster pump motor, new light-emitting diode (LED) lighting, new panel boards, MCC, automatic transfer switch, and a dry-type step-down transformer. The control systems for the wet well pumps and booster pumps will be replaced with a new control system which includes new Programmable Logic Controllers (PLCs) with HMI screen, a Multismart controller and the Remote Telemetry Unit (RTU).

Explanation and description of the reasons for the delay

On May 5, 2020, the County advised of a delay due to a Contractor's positive COVID-19 case. At this time, the County anticipates that there may be additional COVID-19 related delays on this project such as delays related to the County's Building Department inspections. The above listed COVID-19 circumstance, along with some scope modifications to facilitate enhanced operational efficiencies and to improve safety, are affecting the schedule for the manufacture, delivery and installation of various electrical and instrumentation equipment required for the commissioning of the rehabilitated pump station.

June 16, 2020

Page 3

Anticipated duration of the delay

Even though the County has implemented proactive public health safety measures to limit the spread of the COVID-19 pandemic, the ramifications and extend of delays are still developing. The County will continue to provide additional update on the status of this project. Also, the County recently approved a 162-day time extension to the Contractor related to scope modification for the control and electrical disciplines in order to facilitate operations and improve safety. The County's most recent projection for the project's substantial completion is December 2020, assuming that no additional delays are encountered. The County will closely monitor construction progress and report any further delay to EPA and FDEP when it becomes known to the County and as required by Section XI, Paragraph 52.

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

Additionally, the County will continue implementing the following steps:

1. Implement COVID-19 preventative safety measures to avoid further contamination.
2. Evaluate contractor's recovery schedule and propose any alternative to minimize delay, when applicable.
3. Closely monitor construction progress.

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

The County is proactively implementing actions to minimize any further delays and will continue to implement all necessary measures to substantially complete CD 5.3.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state and local agencies are taking actions to suppress and control the spread of COVID-19. The County is taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event as the County notified the EPA and FDEP in the April 3, 2020 Force Majeure Notification due to the COVID-19 Impacts letter. On May 28, 2020, EPA responded to the COVID-19 Related Force Majeure Notification and acknowledged the receipt of the May 5, 2020 Delay Notification for this project. The County continues to monitor and collect the documentation to determine the duration of the COVID-19 related delay and will provide updates to EPA and FDEP as it is obtained.

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

Consent Decree Exhibit D-1 identified that the existing equipment is beyond its useful life. There is no indication that delays to CD 5.3, Upgrade of PS 0692, present an immediate

June 16, 2020


Page 4

endangerment to the public health, welfare or the environment. The PS 0692 is and will continue to be bypassed until upgrades are completed.

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

ec: Barbara Jean Throne
Senior Assistant Attorney General, Complex Litigation
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3808
Barbara.throne@myfloridalegal.com

June 16, 2020

Page 5

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
Lisa.M.Self@dep.state.fl.us
Mike.Bechtold@dep.state.fl.us
Sed.wastewater@dep.state.fl.us
Meghan.Ticknor@dep.state.fl.us

Mayor Carlos A. Gimenez
Miami-Dade County
111 NW First Street 29th Floor
Miami, Florida 33128

Kevin T. Lynskey, Director
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

Jack Osterholt, Deputy Mayor/Director
Miami-Dade Regulatory and
Economic Resources
111 NW 1st Street. 29th Floor
Miami, FL 33128
Josterholt@miamidade.gov

Henry Gillman
Miami-Dade Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW First Street Suite 2810
Miami, Florida 33128

Richard Elliott, P.E., PMP
Environmental Engineer
Water Protection Division
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street. S.W.
Atlanta, GA 30303
Elliott.Richard@epa.gov

Failure to Meet Compliance Date and Project Status Update Notification for CD CIP 5.3 Upgrade of
PS 0692

June 16, 2020

Page 6

Paul Schwartz
Associate Regional Counsel
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
Schwartz.Paul@epa.gov

William A. Weinischke
Senior Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044
Bill.Weinischke@usdoj.gov

Exhibit C



miamidade.gov

Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

VIA ELECTRONIC CORRESPONDENCE

November 20, 2020

CCN: 63469
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
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Rachael.Kamons@usdoj.gov

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, Notification of Completion for Consent Decree
Appendix D-2, Capital Improvement Project 5.3 Upgrade of Pump Station 0692**

gmu

Dear Sir/Madam:

The purpose of this notification letter is to inform the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) that Consent Decree (CD) Capital Improvement Project (CIP) 5.3, Upgrade of Pump Station No. 692 has been completed. The Certification of Completion was issued by the Division of Environmental Resources Management (DERM) and Construction Completion was achieved on November 17, 2020.

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

Attachments: Substantial Completion Form
DERM Certification

ec: Anita Patel
Senior Assistant Attorney General, Complex Litigation,
Office of the Attorney General
PL 01 The Capitol
Tallahassee, FL 32399-1050
(850) 414-3694
anita.patel@myfloridalegal.com

Elizabeth Teegen
Senior Assistant Attorney General, Complex Litigation
Office of the Attorney General
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Tallahassee, FL 32399-1050
850-414-3699
Elizabeth.Teegen@myfloridalegal.com

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
Lisa.M.Self@dep.state.fl.us
Mike.Bechtold@dep.state.fl.us
Sed.wastewater@dep.state.fl.us
Meghan.Ticknor@dep.state.fl.us

Madame Mayor Daniella Levine-Cava
Miami-Dade County
111 NW First Street 29th Floor
Miami, Florida 33128

Kevin T. Lynskey, Director
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

Jack Osterholt, Deputy Mayor/Director
Miami-Dade Regulatory and
Economic Resources
111 NW 1st Street. 29th Floor
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Josterholt@miamidade.gov

Henry N. Gillman
Miami-Dade Assistant County Attorney
Miami-Dade County Attorney's Office
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Paul Schwartz
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William A. Weinischke
Senior Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
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Miami Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, FL 33146

SUBSTANTIAL COMPLETION INSPECTION

Date of Inspection: October 23, 2020 Re-Inspection No: _____

Project Information

Project No: Contract S-0908R Project Name: CD 5.03 - PS 692

ER#: S-049048

Project Location: 30211 SW 147th Ave, Homestead, FL Contractor's Name Poole and Kent Company of FL

Representation

Miami-Dade County Rey Urquiola / Rennie Lopez (Inspector, Const. Manager)

User Agency: Miami-Dade Water and Sewer Department

Contractor: Poole and Kent Company of Florida

Inspection

Based on the request of the Contractor a substantial completion inspection was conducted, which resulted in the following:

- No punch list created. By signing below the County acknowledges that the work has been performed in accordance with the contract and specification requirements. This form shall serve as the Notice of Final Acceptance. Project Close Out and final payment is subject to the submittal of all required documentation.
- The punch list items as stated on the punch list form are of a nature that will allow beneficial occupancy on the premises and the punch list is issued as a final punch list, subject to the re-inspection by the County. By signing below the County acknowledges that the work has been performed in accordance with the contract and specification requirements. This form shall serve as a partial acceptance and notification of substantial completion. Final Acceptance shall be issued subsequent to completion and re-inspection of the punch list items. Project Close Out and final payment is subject to the punch list re-inspection and the submittal of all required documentation.
- The punch list items listed are of a nature that precludes beneficial occupancy of the premises. Substantial completion is denied at this time. Items on the punch list must be completed and the Contractor must request another Substantial Completion Inspection.

All punch list items must be completed on or before the dates shown on the attached punch list document.

WWTP / PS / FM: 0692 Was Placed in Service / Start-Up / **Substantially Completed** on: Oct. 23, 2020

Contractor

Accepted By: Mitch MacClugage 10/29/20
Contractor Name Signature Date

PMCM CM Operations Manager

Recommended By: Aric Barto 10/29/20
CM Operations Manager Signature Date

WASD Pump Station Division Manager

Approved By: Carlos Castro 11/17/2020
WASD PSD Manager Signature Date

WASD CD Senior Program Manager

Approved By: Daniel J. Edwards 11/17/2020
WASD SR. Program Manager Signature Date



Department of Regulatory and Economic Resources
Division of Environmental Resources Management
Water & Wastewater Division
701 NW 1st Court, 7th Floor
Miami, FL 33136-3912
T (305) 372-6920 F (305) 372-6410

11/17/2020

ELECTRONIC CORRESPONDENCE

Josenrique Cueto, P.E.
MIAMI DADE WATER & SEWER DEPARTMENT
3071 SW 38 TH AVE
MIAMI, FL 33146
e-mail: Josenrique.cueto@miamidade.gov

Project Name: UPGRADE OF PUMP STATION NO.0692
DERM Permit No.: SE-20170009
FDEP Permit No.: 254122-188-DWC
Utility DS Number: WASD

RE: 100 % Final Certification of Completion of the Domestic Wastewater Collection/Transmission System.

Dear Josenrique Cueto, P.E.:

This letter serves as notification from the Water & Wastewater Division (W&WWD) of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), that the above referenced project has been certified by Daniel Maher, P.E.. Said certification, signed by the corresponding utility on 10/20/2020, indicated that the project was completed in conformance with the approved plans and specifications and/or that the Wastewater Facility Serving the Collection/Transmission System has adequate reserve capacity to accept the flow from this project.

Pursuant to the above, and inasmuch as all the specific conditions in the FDEP construction permit have been complied with, the DERM hereby clears the facilities covered under the subject project for service.

This notification does not relieve applicants from building permits requesting to connect to the sanitary sewer facilities from the requirements of a Sewer System Treatment and Transmission Certification in accordance with the terms and conditions set forth in the Consent Decree between the USEPA and Miami-Dade County (Case No. 1:12-cv-24400-FAM).

If you have any questions regarding the above, please contact Ms. Hala Mirza, Engineer 2 of the W&WWD at (305) 372-6920 or via email at mirzah@miamidade.gov. When referring to this project, please use the DERM project number indicated above.

Sincerely,

For:
Carlos Hernandez, P.E., Chief
Water & Wastewater Division

Cc: Daniel Maher, P.E.; via e-mail: maherdr@cdmsmith.com

Exhibit D



Poole & Kent Company of Florida
1781 N.W. North River Drive
Miami, FL 33125
P.O. Box 420556
Miami, FL 33242

Phone: 305.325.1930
Fax: 305.324.0522

March 18, 2020

MDWASD PM/CM Team
3071 SW 38th Ave.
Miami, Florida 33146

Attn: Rennie Lopez

Re: CD 5.3 Upgrade of Pump Station 692

Sub: Notice of Delay and Notice of Impact – Novel Coronavirus Disease 2019 (COVID-19)
**MIAMI-DADE COUNTY PERMITTING AND INSPECTION CENTER (PIC)
CLOSURE FOR 14 DAYS**

Mr. Lopez,

On March 24, 2020, Poole & Kent has been notified that Miami-Dade County Department of Regulatory and Economic Resources will be closing the Permitting and Inspection Center for 14 days, effective March 25, 2020 due to COVID-19. This closure of the Miami-Dade County PIC will impact the required permit inspections for all permits on the project.

In accordance with Article 8 and Article 11 of the General Terms and Conditions, Poole & Kent is issuing formal notice for any delays and impacts which may be attributable to COVID-19. Until such a time that the full effect of COVID-19 upon the Project is known, Poole & Kent is reserving its rights to submit a claim in accordance with the Contract Documents and to be compensated for all cost and time adjustments allowable by the Contract Documents.

As you are aware, the situation is constantly evolving and beyond our reasonable control. We are committed to remain in communication with you and trust that you will do the same with us. We want to get back to normal work activities as soon as possible after these unprecedented circumstances have passed. In the meantime, if you have concerns regarding our approach, please contact me.

Sincerely,

Poole & Kent Company of Florida

A handwritten signature in blue ink, appearing to read "Mitchell MacClugage".

Mitchell MacClugage
Project Manager

CC: Brian MacClugage, Poole & Kent
Chris Marrero, Poole & Kent

**Media Contact:**

Tere Florin

tflorin@miamidade.gov

305-781-0399

Miami-Dade County Department of Regulatory and Economic Resources closing Permitting and Inspection Center for 14 days

MIAMI (March 24, 2020) — The Miami-Dade County Department of Regulatory and Economic Resources (RER) will close its Permitting and Inspection Center (PIC) located at 11805 SW 26 Street for 14 days, effective March 25, 2020.

The department has learned that three PIC employees have tested positive for coronavirus (COVID-19), bringing the total to four. RER is working closely with the Florida Department of Health (DOH) and following their recommendations. All PIC employees have been informed and instructed to self-isolate and self-monitor for 14 days.

All inspections scheduled for tomorrow are canceled, except for new construction inspections by Miami-Dade Fire Rescue's New Construction Bureau.

During the closure, [online services](#) will be available.

Further, staff will be available at the following emails:

Board and Code Administration: General inquiries: gascon@miamidade.gov or michael.goolsby@miamidade.gov. Board Administration: KAT045@miamidade.gov; Contractor Licensing: JL045@miamidade.gov; and Product Control: helmy@miamidade.gov.

Code Compliance: Lien services: lspic@miamidade.gov; building support (unsafe structures, work without permits, contractor enforcement): 311WWPR@miamidade.gov or 311CER@miamidade.gov.

Construction Permitting and Building Code: General inquiries: blgddept@miamidade.gov. For subsidiary permits or permits requiring no plan review, e-mail the application to RER_SPA@miamidade.gov.

Department of Health: new construction or repair of septic tank systems, call 305 623-3500.

As this is a fluid and evolving situation, service updates will be announced as decisions are made. RER is also working with DOH to implement a new service plan when the PIC reopens in two weeks.

Individuals in Miami-Dade County who believe they may have been exposed to COVID-19 should call the Florida Department of Health at 305-324-2400. If you have a medical provider, call them. If traveling to a medical office or facility, call ahead. For questions about COVID-19 in Florida, please call the Florida Department of Health at 1-866-779-6121. For a medical emergency, call 911.

For updated information, visit www.miamidade.gov/coronavirus.

###

To request materials in accessible format, sign language interpreters, and/or any accommodation to participate in any County-sponsored program or meeting, please call Alain Donderiz, 305-372-6779 or email,

Miami-Dade County Department of Regulatory and Economic Resources closing Permitting and Inspection Center for 17 days
*dondea@miamidade.gov, five days in advance to initiate your request. TTY users may also call 711 (Florida
Relay Service).*

Regulatory and Economic Resources

111 NW 1st Street, Suite 2910

Miami, FL 33128

Exhibit E

From: ChrisM@pkflorida.com
Sent: Monday, May 11, 2020 4:26 PM
To: Lopez, Rennie (Consultant)
Cc: MitchM@pkflorida.com; DanielR@pkflorida.com; Santiago-Caban, Jose A. (Consultant); Hernandez, Francisco (Consultant)
Subject: Fw: Pump Station 692 - Swap Service to New Bus

Follow Up Flag: Follow up
Flag Status: Flagged

EMAIL RECEIVED FROM EXTERNAL SOURCE .

Rennie,
As discussed, Poole & Kent has been trying to coordinate with FPL to have this work performed but we are yet to receive a response from them. Any efforts from PM/CM on this matter would be greatly appreciated.

Sincerely,

Chris Marrero

Assistant Project Manager
Poole & Kent Company of Florida
1781 N.W. North River Drive, Miami, FL 33125
Office: 305.325.1930 Ext. 1949
Cell: 786.618.4904
Email: ChrisM@pkflorida.com
<http://www.pkflorida.com>



----- Forwarded by Chris Marrero/PooleKentFlorida/EMCORGROUP on 05/11/2020 04:23 PM -----

From: Mitch MacClugage/PooleKentFlorida/EMCORGROUP
To: "Cabriaes, Rey" <Rey.Cabriaes@fpl.com>, "Solares, Jose.Lucio" <Jose.Lucio.Solares@fpl.com>
Cc: Chris Marrero <ChrisM@pkflorida.com>, Daniel Ramirez <DanielR@pkflorida.com>
Date: 05/11/2020 11:10 AM
Subject: RE: Pump Station 692 - Swap Service to New Bus

Thanks Rey.

Jose,

Can you confirm if FPL received this notification from the Building Department? They have said it was sent.

Sincerely,

Mitchell B. MacClugage

Project Manager
1781 NW North River Drive
Miami, Florida 33125
Cell: 305.439.8818



From: "Cabriaes, Rey" <Rey.Cabriaes@fpl.com>
To: Mitch MacClugage <MitchM@pkflorida.com>
Cc: "Solares, Jose.Lucio" <Jose.Lucio.Solares@fpl.com>, Daniel Ramirez <DanielR@pkflorida.com>, Chris Marrero <ChrisM@pkflorida.com>
Date: 05/05/2020 02:42 PM
Subject: RE: Pump Station 692 - Swap Service to New Bus

BE ADVISED - This email originated outside EMCOR.

Mitch,

Jose will follow-up with this .

Thank you

From: Mitch MacClugage <MitchM@pkflorida.com>
Sent: Tuesday, May 5, 2020 1:07 PM
To: Cabriaes, Rey <Rey.Cabriaes@fpl.com>
Cc: Solares, Jose.Lucio <Jose.Lucio.Solares@fpl.com>; Daniel Ramirez <DanielR@pkflorida.com>; Chris Marrero <ChrisM@pkflorida.com>
Subject: Pump Station 692 - Swap Service to New Bus

Caution - External Email (mitchm@pkflorida.com)

[Report This Email Tips](#)

Rey,

The Building Department said they have notified FPL for the swap of service at Pump Station 692, address 30211 SW 147 Ave. Homestead FL.

Can you confirm FPL has received this notification?

We are ready for FPL to perform this work ASAP. Let us know thank you

Sincerely,

Mitchell B. MacClugage

Project Manager
1781 NW North River Drive

Miami, Florida 33125
Cell: 305.439.8818



This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient.

Exhibit F



April 10, 2020

To: Rennie Lopez, PMCM

Re: Homestead Pump Station, S-908R: Positive COVID-19 Case

Mr. Lopez,

Poole & Kent has been advised that one of our employees has tested positive for COVID-19. This employee has been working at the above mentioned project in the lower level of the pump station. This to serve as notice in accordance with our COVID-19 Prevention and Reporting Plan.

Poole & Kent, is following the protocols included in our plan. Additionally, we have directed all employees who were working in the general area of the employee (that is the lower level of the pump station) not to report to work for the next week, and we have closed off access to the lower level of the pump station for the next week. We are now in the process of notifying all subcontractors of the matter.

Should you have any questions please contact me at Cell: 305-525-7165.

Regards,

David Lockhart, CHST
Poole & Kent Company of Florida
Safety Manager

CC: Brian MacClugage, Exec. VP

Mitch MacClugage, Project Manager

File

Exhibit G



Poole & Kent Company of Florida
1781 N.W. North River Drive
Miami, FL 33125
P.O. Box 420556
Miami, FL 33242

Phone: 305.325.1930
Fax: 305.324.0522

September 30, 2020

MDWASD PM/CM Team
3071 SW 38th Ave.
Miami, Florida 33146

Attn: Rennie Lopez

Re: CD 5.3 Upgrade of Pump Station 692

Sub: Notice of Delay and Notice of Impact – Inclement Weather and Request for Service No. 016 Simulate Flows for Pump Startup and Testing Delays

Mr. Lopez,

Poole & Kent has experienced Inclement Weather Delays as a result of Hurricane Isaias and Pump Station startup delays due to the Owner's existing valves failed to operate within Request for Service No. 16 (RFS-16). The explanation of each delay is clarified in the following.

CD 5.03 Pump Station 692 project has experienced inclement weather delays as a result of Hurricane Isaias. The impacts of Hurricane Isaias were directly associated with the preventative measures taken for site preparation activities from the time the County issued the directive to secure the jobsite on July 28, 2020 through the time the jobsite was secured on July 31, 2020. Given this condition, Poole & Kent requests a four (4) calendar day time extension. See attached letter regarding Consent Decree Request for Time Extension due to Hurricane Isaias Force Majeure Notification, dated September 14, 2020.

Regarding delays experienced from RFS-16, issued on September 2, 2020, for the Owner to operate existing valves. In effort to startup of the Booster with pressure provided by the Wet Well Pumps to simulate flows through existing underground piping. This would allow the Contractor to test the automatic sequencing of Booster Pumps prior to removing linestops and placing the Pump Station into service.

On September 9, 2020, the Owner's personnel discovered that 1 – 18" existing plug valve and 1 – 30" existing plug valve failed to operate, and the appropriate flows could not be provided. See the attached RFS-16 with drawing of flow routing. On September 25, 2020, Poole & Kent furnished materials to install a new 30" plug valve provided by the Owner in efforts to provide flow for manual testing of the Booster and Wet Well Pumps on September 28, 2020.

In accordance with Article 8 and Article 11 of the General Terms and Conditions, Poole & Kent is issuing formal notice for any delays and impacts caused by inclement weather and the Owner's valves that failed to operate. Until such a time that the full effect upon the Project is known, Poole & Kent is reserving its rights to submit a claim in accordance with the Contract Documents and to be compensated for all cost and time adjustments allowable by the Contract Documents.

If you have any questions or concerns, please contact me.

Sincerely,

Poole & Kent Company of Florida



Mitchell MacClugage
Project Manager



miamidade.gov

Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

VIA ELECTRONIC CORRESPONDENCE

September 14, 2020

CCN: 63352
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
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Rachael.Kamons@usdoj.gov

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,
Request for Time Extension for Consent Decree Appendix D-2, Capital
Improvement Projects in Construction due to Hurricane Isaias Force Majeure
Notification**

Dear Sir/Madam:

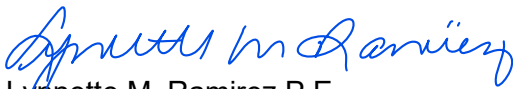
On August 13, 2020 and in accordance with the provisions of section XI, paragraph 52 of the above referenced Consent Decree (CD), Miami-Dade County (County) provided official written notification to the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) regarding the potential of force majeure for CD Capital Improvement Projects (CIPs) due to Hurricane Isaias.

During the EPA/FDEP/Miami-Dade County CD Program Update Meeting held on August 20, 2020, EPA and FDEP acknowledged receipt of the August 13, 2020 notification and requested the County provide official correspondence to account for the delays incurred on the CD CIPs at the three (3) regional Waste Water Treatment Plants (WWTP), and various pump station/force main projects. Per this meeting request, please accept this letter as official correspondence for four (4) days of construction delays incurred as a result of Hurricane Isaias. The delays being requested are directly associated with the preventative measures taken for site preparation activities from the time the County issued the directive to secure the sites on July 28, 2020 through the time the sites were secured on July 31, 2020. Given these conditions, the County requests EPA and FDEP grant the County a 4-day time extension for all Consent Decree projects actively in construction (see attachment A) affected by the need for site preparations related to the hurricane.

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

Attachment A: List of CIP in Construction Phase

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Southeast District – West Palm Beach
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Alejandro Martinez-Esteve
Oscar Vasquez

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Carlos Hernandez (RER-DERM)
Rashid Istambouli (RER-DERM)

Martin Dorward (CD PMCM)
Scott Eckler (CD PMCM)
Andrea Suarez-Abastida (CD PMCM)
Cynthia Doyon (CD PMCM)

Consent Decree Projects In Construction

South District Wastewater Treatment Plant

- 1 1.02 Oxygen Production
- 2 1.03 Oxygenation Trains
- 3 1.05 Effluent Pump Station
- 4 1.06 Gravity Sludge Thickeners
- 5 1.07 Digesters and Control Building
- 6 1.08 Dewatering Facility
- 7 1.11 General Electrical
- 8 1.12 Chlorine Contact Chamber

Central District Wastewater Treatment Plant

- 9 2.01 Miscellaneous Electrical Improvements
- 10 2.06 Oxygenation Trains Plant 2
- 11 2.07 Secondary Clarifiers Plant 1
- 12 2.08 Secondary Clarifiers Plant 2
- 13 2.10 Return Sludge PS Plant 2
- 14 2.11 Effluent Pump Station
- 15 2.12 Gravity Sludge Thickeners Plant 1
- 16 2.13 Gravity Sludge Thickeners Plant 2
- 17 2.15 Digesters Plant 2
- 18 2.16 Dewatering Building
- 19 2.18 Odor Control Systems
- 20 2.19 Co-Gen Improvements
- 21 2.22 Pump Station No.2
- 22 2.25 Ventilation Improvements
- 23 2.26 Rehabilitation of Walkways and Stairways
- 24 2.27 Oxygen Production

North District Wastewater Treatment Plant

- 25 3.02 Primary Clarifiers and Odor Control
- 26 3.05 Secondary Clarifiers
- 27 3.06 Disinfection

Wastewater Collection Transmission System

- 28 4.01 Collection System I/I Repairs
- 29 4.09 Replace Approximately 30 miles of AC FM Transmission System

Pump Station

- 30 5.03 Upgrade of PS#0692
- 31 5.09 Replacement of Pumping and Electrical Equipment at PS#0301

Exhibit H

Activity ID	Activity Name	Original Duration	% Complete	Early Start	Early Finish	Late Start	Late Finish	Total Float	Pred
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2019												2020												2021											
J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M							

MIAMI WATER & SEWER DEPARTMENT SEWAGE PUMP STATION No. 692 UPGRADES

General Conditions

GC

GENC900	START-UP & TESTING	5	0%	13-Oct-20	18-Oct-20	22-Feb-20	26-Feb-20	-234	PS
GENC910	PERFORMANCE TEST	2	0%	18-Oct-20	20-Oct-20	27-Feb-20	28-Feb-20	-234	GE
GENC925	WEATHER DAYS	5	0%	20-Oct-20	25-Oct-20	29-Feb-20	04-Mar-20	-234	GE
GENC950	SUBSTANTIAL COMPLETION (NTP + 365 + 37 = (6MAR20)	0	0%		25-Oct-20*		04-Mar-20	-234	GE
GENC975	PROJECT CLOSEOUT	60	0%	25-Oct-20	24-Dec-20	05-Mar-20	03-May-20	-234	GE
GENC999	FINAL COMPLETION (NTP + 425 + 105 = (11JUL20)	0	0%		24-Dec-20*		03-May-20	-234	GE

- START-UP & TESTING
- PERFORMANCE TEST
- WEATHER DAYS
- ◆ SUBSTANTIAL COMPLETION
- PROJECT CLOSEOUT
- ◆ FINAL COMPLETION

Impacts

PK PCO 017 Electrical, Instrument, and Control Changes

PK17010	PREPARE & SUBMIT PROPOSAL	21	60%	23-Mar-20 A	06-Apr-20	06-Aug-19	16-Aug-19	-161	PK
PK17020	ISSUE EXECUTED CHANGE DIRECTIVE	37	0%	06-Apr-20	13-May-20	18-Aug-19	23-Sep-19	-232	PK
PK17030	PREPARE & SUBMIT CHANGES	20	0%	13-May-20	11-Jun-20	24-Sep-19	21-Oct-19	-163	PK
PK17040	REVIEW & APPROVE CHANGES	7	0%	11-Jun-20	18-Jun-20	22-Oct-19	28-Oct-19	-233	PK
PK17050	FABRICATE & PROCURE RTU IO ENCLOSURE AND BACKPLATE	56	0%	18-Jun-20	13-Aug-20	29-Oct-19	23-Dec-19	-233	PK
PK17070	INSTALL RTU IO BACKPLATE	15	0%	13-Aug-20	03-Sep-20	23-Dec-19	15-Jan-20	-164	PK
PK17075	ELECTRICIAN TERMINATE WIRES	5	0%	03-Sep-20	11-Sep-20	15-Jan-20	22-Jan-20	-164	PK
PK17080	ONSITE INTERGRATION AND TESTING	15	0%	11-Sep-20	02-Oct-20	22-Jan-20	12-Feb-20	-164	PK
PK17090	CHANGE ORDER WORK COMPLETE	0	0%	02-Oct-20	02-Oct-20*	12-Feb-20	12-Feb-20	-232	PK

- PREPARE & SUBMIT PROPOSAL
- ISSUE EXECUTED CHANGE DIRECTIVE
- PREPARE & SUBMIT CHANGES
- REVIEW & APPROVE CHANGES
- FABRICATE & PROCURE RTU IO ENCLOSURE AND BACKPLATE
- INSTALL RTU IO BACKPLATE
- ELECTRICIAN TERMINATE WIRES
- ONSITE INTERGRATION AND TESTING
- CHANGE ORDER WORK COMPLETE

Pump Station

Mechanical (IMPACT SEQUENCE CHANGE AND BYPASS PUMPING)

PS15045	WETWELL PUMPS ON-LINE	0	0%		13-Oct-20		21-Feb-20	-163	PS
PS16130	TEST WET WELL PUMPS	2	0%	09-Oct-20	13-Oct-20	20-Feb-20	21-Feb-20	-163	PS

- ◆ WETWELL PUMPS ON-LINE
- TEST WET WELL PUMPS

Electrical (IMPACT SEQUENCE CHANGE AND BYPASS PUMPING)

PS16105	TEST & CHECKOUT PUMP CONTROLS	5	0%	02-Oct-20	09-Oct-20	13-Feb-20	19-Feb-20	-163	PS
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- TEST & CHECKOUT PUMP CONTROLS

Run Date: 04-May-20
 Start Date: 28-Jan-19
 Finish Date: 24-Dec-20
 Data Date: 25-Mar-20

- Actual Work
- Remaining Work
- Critical Remaining Work
- ◆ Milestone

PS-692 UPDATE 8 pk17-1

Poole & Kent Company of Florida
 MIAMI-DADE WATER & SEWER DEPARTMENT
 CD 5.3 UPGRADES OF PUMP STATION 692
 CONTRACT NO. S-908R

PROJECT SCHEDULE
 PK PCO 17 REV3 PMCM DATES



Poole & Kent
 Contractors
 An EMCOR Company