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VIA ELECTRONIC CORRESPONDENCE

November 3, 2017

CCN: 61390
File No: 8.DC.19.82

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.
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 VI – Specific Capital Improvement Projects, Paragraph 19(i)
Section XVII, Paragraph 77 – Notices
Update on CD Appendix D-2, Capital Improvement Project 2.2, CDWWTP Building
Improvements**

Dear Sir/Madam:

On May 11, 2017, Miami-Dade County (County) submitted a Force Majeure notification letter to the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) regarding a schedule delay to Consent Decree (CD) Capital Improvement Project (CIP) 2.2, CDWWTP Building Improvements (the "May 11th Notification"). The County received EPA and FDEP's request for an update on the status of the CIP 2.2 Project on October 4, 2017 and provides this letter in response.

The May 11th Notification advised EPA and FDEP that CIP 2.2 was delayed due to a default by the electrical sub-contractor, which created a potential delay in the contractor's overall schedule. On May 19, 2017, the Contractor for the Project successfully replaced the electrical sub-contractor with approval from the County's Internal Services Department/ Small Business Development (ISD/SBD). However, on October 9, 2017, the plumbing subcontractor resigned from the project requiring the Contractor to seek another sub-contractor approved by County's Internal Services Department/ Small Business Development (ISD/SBD). In addition to the situations described above, the Contractor encountered several unforeseen electrical, plumbing, and HVAC field conditions during construction. Resolution of these issues has impacted the critical path of the Project schedule.

Further compounding these delays, the Contractor has performed poorly under the Contract. On October 11, 2017, the Miami-Dade Water and Sewer Department (WASD) issued a Notice of Default with Intent to Cure to the Contractor (the "October 11th Letter"). The October 11th Letter required an appropriate response from the Contractor by October 18, 2017. The County received the Contractor's response and is reviewing it. The County will provide an anticipated completion date upon determination of resolution.

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,

A handwritten signature in blue ink that reads "Hardeep Anand". The signature is written in a cursive, flowing style.

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

ec: Jonathan A. Glogau
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