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VIA ELECTRONIC CORRESPONDENCE

December 3, 2021

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File No: 8.DC.20.32

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
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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 IX – Reporting Requirements, Paragraph 32 – Quarterly Reports – Supplemental
Letter to the 2021 Quarterly Report No. 3**

Dear Sir or Madam:

The intent of this supplemental letter to the 2021 Quarterly Report No. 3 is to provide an update on the Consent Decree projects which are ongoing and have experienced delays beyond the Compliance Date, as requested by the United States Environmental Protection Agency (USEPA) and confirmed during the October 21, 2021 Coordination Call with Miami-Dade County (County).

On May 27, 2021, the County, the Department of Justice (DOJ), USEPA and Florida Department of Environmental Protection (FDEP) convened to discuss the Outstanding Force Majeure and Potential Delay Notifications for Consent Decree Appendix D-2, Capital Improvement Projects.

During the meeting, the County was asked to provide additional information as to why the delays should be excused, including identifying the reason for the delay and stating whether the County believes a Force Majeure event caused the delay. Furthermore, it was agreed that the County would indicate the

length of the delay for each project and provide the County's rationale as to why the delay should be excused, pursuant to the Force Majeure provisions in the Consent Decree.

The CD Outstanding Force Majeure and Potential Delay Notifications letter was submitted on August 13, 2021. Therein, the County committed to provide progress updates in the Quarterly Reports for the projects which are ongoing and have experienced delays beyond the Compliance Date. These projects were grouped as Category C in the above-mentioned letter. Refer to Appendix B for the construction status updates on each of the five (5) following projects:

Table 1 - Ongoing CD CIP Projects Beyond Compliance Date Included in Progress Update

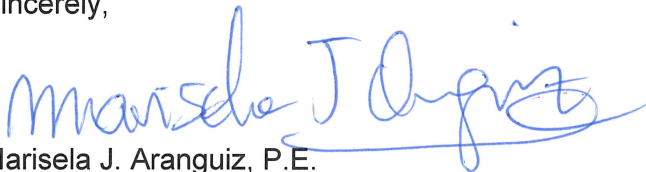
No.	Project No. / Name
1	CD 1.11 SDWWTP General Electrical
2	CD 2.1 CDWWTP Electrical Improvements
3	CD 2.19 CDWWTP Co-generation Facility
4	CD 2.22 CDWWTP Master Pump Station No. 2
5	CD 3.06 NDWWTP Disinfection Facility

Future updates will be included in the Quarterly Reports as Appendix B.

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 collecting such information, the information presented 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 a 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

Attachment:

Appendix B - Progress Update for Ongoing CD Capital Improvement Projects Beyond Compliance Date

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Appendix B

Progress Update for Ongoing CD Capital Improvement Projects Beyond Compliance Date - 2021 Quarterly Report No. 3

No.	Date of Request/ Notification	Project No. / Name	Project Status Update	Estimated Delay	Projected Completion Date	Compliance Date
1	6/28/2019 1/15/2021 3/17/2021	CD 1.11 SDWWTP General Electrical	The Notice to Proceed (NTP) for Child Project CD 1.11(1.2) – Generator Repairs was issued on September 22, 2021. The construction percent complete is 38%	545 Days	9/21/2022	3/26/2021
2	10/13/2020 6/14/2021	CD 2.1 CDWWTP Electrical Improvements	The unforeseen field condition that required design modifications to existing low-voltage switchgear 9A and 10A continued to impact the project. However, Child Project CD 2.1(7) – Substations 7A, 8A, 9A & 10A is in the final construction completion phase. The construction percent complete is 97%	213 Days	1/13/2022	6/14/2021
3	1/10/2020	CD 2.19 CDWWTP Co-generation Facility	Construction of the Co-generation Facility was completed on October 4, 2019. However, the project's completion is contingent on sufficient biogas production from the digesters being completed as part of CD 2.15 Clusters 1 and 2 in order to perform acceptance and performance testing. Construction of Digesters Cluster 1 has been completed and in testing. Construction activities for Cluster 2 are near completion. The construction percent complete is 99%	801 Days	7/31/2022	5/21/2020
4	6/1/2017 3/6/2019 4/24/2020	CD 2.22 CDWWTP Master Pump Station No. 2	The portion of the work performed by the Contractor achieved substantial completion on August 23, 2021. The Flowmeter work was removed from the Contractor's scope of work and will be performed by WASD Wastewater Collection and Transmission Line Division (WWCTLD).-The flowmeter portion of this project is in permitting and construction is anticipated to be completed by 5/3/2022. The construction percent complete is 99%	1102 Days	5/31/2022	5/25/2019
5	5/5/2020 9/9/2020	CD 3.06 NDWWTP Disinfection Facility	Project experienced delays in construction associated with the COVID-19 Pandemic, unforeseen field conditions, and unexpected complexity with phasing of electrical switch-over plan. Electrical and mechanical switchover activities have been completed. The construction percent complete is 98%	493 Days	1/15/2022	9/9/2020