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VIA ELECTRONIC CORRESPONDENCE

July 21, 2020

CCN: 63306
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
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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, - Fats, Oils and Grease (“FOG”) Control Program Paragraph 19(a)
Section XI – Force Majeure, Paragraph 52 – Delay Notification
Third Annual FOG Control Program Review Report Delay Notification**

Dear Sir/Madam:

In accordance with the Federal Consent Decree ((**Case: No. 1:12-cv-24400-FAM**), Paragraph 19(a)(xv), Miami-Dade County (County) shall review, evaluate and revise the FOG Control Program on at least an annual basis. Any revisions to the FOG Control Program shall be submitted to EPA and FDEP in accordance with Paragraph 15 of this Consent Decree.” Paragraph 15 provides a mechanism for Miami-Dade County to revise certain Deliverables during the term of the Consent Decree subject to EPA’s prior written approval.

Pursuant to the FOG Control Program approved by the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) on September 7,

2017, the County proposed to submit an annual report by June 30th of each year for the prior year (e.g., June 30, 2020 for year 2019). The June date was selected to provide sufficient time to collect, compile and review the data for the prior year. Additionally, the County included a process to obtain input from stakeholders as part of the FOG Program evaluation, with the goal of addressing Paragraph 19(a)(xv) by determining if any revisions to the FOG Control Program are required.

Given the evolving COVID-19 pandemic, the County's first and foremost priority has been the health and safety of the public, businesses and County staff. Consequently, travel and social distancing recommendations, consistent with the Centers for Disease Control and Prevention, were implemented to limit the spread of COVID-19. These protective actions resulting from the COVID-19 pandemic affected the availability of key staff and stakeholders to collaborate and complete the Third Annual FOG Control Program Review Report. Moreover, the evolving operational strategies for food service establishments (e.g., temporary closures and limited seating) resulted in shifting County staffing to focus on preventing sanitary sewer overflows (SSO) that could result from stay home/work from home recommendations and related disinfection efforts; e.g., disinfectant rags and wipes being flushed causing blockages in the wastewater collection and transmission system.

To initially advise the EPA that the COVID-19 pandemic had limited the County from submitting the Third Annual FOG Control Program Review Report and that it was anticipated that the report would be completed and submitted by September 2020, an email was provided to EPA on June 25, 2020.

While at this time the County is not proposing or anticipating any changes to the approved FOG Control Program, satisfying the requirements of Paragraph 19(a)(xv), we continue to monitor the effects of the COVID-19 Pandemic and its impact on the County (public, businesses, stakeholders, and staff) to confirm this assertion. For this and aforementioned reasons, and pursuant to EPA's March 26, 2020 Memorandum with subject ***COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program***, the County proposes to complete and submit the Third Annual FOG Control Program Review Report on or before September 30, 2020 while adapting and finding opportunities to improve outcomes – including reducing SSO.

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 (305) 372-6754.

Sincerely,



Lee N. Hefty
RER Assistant Director, Division of Environmental Resources Management

ec:

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