

Memorandum



Date: November 5, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the 2014 Assessment Payment of \$63,428.21 for Costs and Expenses Related to On-going Remedial Work at the Petroleum Products Corporation Superfund Site

Agenda Item No. 8(N)(2)

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize payment of the 2014 assessment for costs related to the Petroleum Products Corporation (PPC) Superfund Site in the amount of \$63,428.21.

SCOPE

This payment does not affect any area of Miami-Dade County (County). The Petroleum Products Corporation Superfund Site is located in Broward County.

FISCAL IMPACT/FUNDING SOURCE

The payment of \$63,428.21 will be funded by Miami Dade Transit (MDT) Operation funds.

TRACK RECORD/MONITOR

The vendor, Petroleum Products Corporation, closed operations in 1985. Akbar Sharifi, MDT Sr. Professional Engineer, will monitor this matter. MDT will continue its consultation with the Department of Regulatory and Economic Resources (RER), as needed.

BACKGROUND

In the early 1990s, the United States Environmental Protection Agency (EPA) identified the County as a potentially responsible party under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (commonly referred to as the Superfund) for environmental responsibilities at the Petroleum Products Corporation site in Broward County. The site, located at 3130 S.W. 19th Street in Pembroke Park, Florida, operated from the late 1950s to 1985 as a used oil refinery and then as a fuel blending and reprocessing facility. Petroleum Products Corporation allegedly discharged petroleum products, and possibly other contaminants, to the ground at the site. MDT was allegedly one of many liquid waste generators whose waste oil was disposed there, as well as other contributing entities including Publix Super Markets, Inc., Goodyear Tire & Rubber Co., Baptist Hospital and the Cities of Miami and Miami Beach.

In order to minimize the County's liability to the EPA for costs to conduct the environmental site clean-up, the County signed the Petroleum Products Corporation Amended Participation Agreement in 1993. Under the Amended Participation Agreement, additional funding assessments must be approved by 75% of the Cooperating Parties. That threshold has been met. The Cooperating Parties' funding contributions are based on the alleged gallons of waste petroleum products disposed at the Petroleum Products Corporation Superfund Site, with the County's share assessed at 23.49% of the Cooperating Parties' total obligation. This, in turn, becomes MDT's assessment.

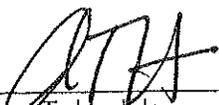
Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
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The County made an initial contribution of \$94,133.00 into the trust account in 1993. Because most of the remediation costs have been eligible for payment under the State's Petroleum Cleanup Program, no further payment assessments were requested of the County until 2010. Since that time, the County has received notices of three additional assessments, all in the amount of \$63,428.21 (the County's pro rata share of total assessment) to cover remediation costs not eligible for payment under the State program. The County has paid the two previous assessments; in March, 2011 and January, 2013. In June 2014, the County received notice of the latest assessment to fund the on-going environmental clean-up at the site.

Regarding the on-going environmental remediation at the PPC Superfund site, the EPA originally divided the site clean-up into three Operable Units: Operable Unit 1 (OU1) would address the free floating oil in groundwater, Operable Unit 2 (OU2) would address contaminated soils and Operable Unit 3 (OU3) would address groundwater contamination. In December 1991, the Operable Unit 1 remedy was implemented, first using groundwater extraction and treatment then later removing free floating oil through a combination of enhanced biological activity to release oil from soils and vacuum extraction to remove the oil. These activities are performed by the Cooperating Parties' on-site contractor, Environmental Consulting Technology.

Based on the latest status report dated May 8, 2014, the EPA, through an interagency agreement with the United States Army Corps of Engineers, has been performing additional site assessment work to complete the remedial investigation and evaluating corrective action alternatives for purposes of preparing the Feasibility Study. The EPA has now provided a draft Remedial Investigation Report and revised Human Health Risk Assessment. There has been no recent progress on OU2 and OU3, as the team concentrated on the progress of OU1.

In accordance with the Amended Participation Agreement signed in 1993, the County is legally obligated to fund the environmental clean-up of the Petroleum Products Corporation Superfund Site. Therefore, it is recommended that the Board authorize payment of \$63,428.21 for costs related to the Petroleum Products Corporation Superfund Site for 2014.



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(N)(2)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(2)
11-5-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE 2014 ASSESSMENT
PAYMENT OF \$63,428.21 FOR COSTS AND EXPENSES
RELATED TO ON-GOING REMEDIAL WORK AT THE
PETROLEUM PRODUCTS CORPORATION SUPERFUND
SITE

WHEREAS, the United States Environmental Protection Agency (EPA) identified Miami-Dade County, as well as numerous other potentially responsible parties, under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund) for environmental responsibilities at the Petroleum Products Corporation Superfund (PPC) Site; and

WHEREAS, in 1993, the County entered into a Petroleum Products Corporation Amended Participation Agreement with the other "Cooperating Parties" to jointly address the required remediation of contamination at the PPC site; and

WHEREAS, the Cooperating Parties are required to contribute such additional funds on the basis of each Cooperating Party's alleged volumetric contribution of waste liquids to the site, with the County's share being 23.49% of the total; and

WHEREAS, in July 2014 the County received notice of an additional assessment in the amount of \$63,428.21 for its pro rata share of costs and expenses related to the ongoing cleanup efforts at the PPC site; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the payment of the County's current assessment under the Petroleum Products Corporation Amended Participation Agreement for costs and expenses related to the Petroleum Products Corporation Superfund Site in the amount of \$63,428.21.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Bruce Libhaber

PPC Projected Group Assessment 2014

	Group Member Name	Percentage	Individual Assessment	Group Assessment
1	Anthony Abraham Chevrolet	1.17%	\$ 3,171.71	\$ 270,000
2	Avis Inc	0.55%	\$ 1,475.64	\$ 270,000
3	Bill Ussery Motors	2.04%	\$ 5,497.64	\$ 270,000
4	Bridgestone/Firestone	2.89%	\$ 7,816.48	\$ 270,000
5	Broward County	4.19%	\$ 11,315.09	\$ 270,000
6	Broward Truck	1.42%	\$ 3,821.92	\$ 270,000
7	Chevron/Bruning Paint	1.36%	\$ 3,685.37	\$ 270,000
8	City of Miami	1.63%	\$ 4,390.45	\$ 270,000
9	Cliff Berry Co	0.87%	\$ 2,339.14	\$ 270,000
10	Coastal Fuels	5.77%	\$ 15,588.61	\$ 270,000
11	Connor Brown Cadillac	7.50%	\$ 20,246.11	\$ 270,000
12	CSX Transport	3.56%	\$ 9,598.61	\$ 270,000
13	Dade County	23.49%	\$ 63,428.21	\$ 270,000
14	Ed Morse Chevrolet	2.02%	\$ 5,455.35	\$ 270,000
15	Exxon/Mobil	0.92%	\$ 2,492.97	\$ 270,000
16	Florida Power & Light	7.14%	\$ 19,282.70	\$ 270,000
17	Ft. Lauderdale Lincoln Mercury	1.80%	\$ 4,858.01	\$ 270,000
18	Goodyear	3.35%	\$ 9,044.72	\$ 270,000
19	Greenstein Trucking	0.42%	\$ 1,143.40	\$ 270,000
20	Greyhound	9.45%	\$ 25,505.87	\$ 270,000
21	Hollywood Chrysler Plymouth	0.17%	\$ 469.41	\$ 270,000
22	Hollywood Lincoln Mercury	1.14%	\$ 3,076.56	\$ 270,000
23	Miami Lincoln Mercury	1.48%	\$ 3,999.53	\$ 270,000
24	Pembroke Park Warehouse	0.00%	See below	
25	Pompano Lincoln Mercury	1.18%	\$ 3,175.68	\$ 270,000
26	Ricky's Waste Oil	0.00%	See below	
27	Ryder Truck Rental	2.92%	\$ 7,873.99	\$ 270,000
28	Safety Kleen	6.01%	\$ 16,223.32	\$ 270,000
29	Sears	3.69%	\$ 9,962.78	\$ 270,000
30	South Motors	0.30%	\$ 797.16	\$ 270,000
31	Steve Moore/Benz Chevrolet	0.15%	\$ 401.75	\$ 270,000
32	Tropical Chevrolet Inc	0.94%	\$ 2,533.41	\$ 270,000
33	Wallace Ford/Truck	0.49%	\$ 1,328.42	\$ 270,000
		100.00%	\$ 270,000.00	
	Pembroke Park Warehouse		\$ 25,000.00	\$ 295,000
	Ricky's Waste Oil		\$ 5,000.00	\$ 300,000



Memorandum



To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: October 23, 2014

Re: **CITT AGENDA ITEM 5C:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST
(CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC)
AUTHORIZE THE 2014 ASSESSMENT PAYMENT OF \$63,428.21 FOR COSTS
AND EXPENSES RELATED TO ON-GOING REMEDIAL WORK AT THE
PETROLEUM PRODUCTS CORPORATION SUPERFUND SITE (MDT- BCC
Legislative File No.142084)

On October 23, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-074. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Jonathan Martinez – Absent
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

cc: Alina Hudak, Deputy Mayor/Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney

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