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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(N)(3)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	March 8, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing the creation and recording of a Covenant Running with the Land requiring institutional controls at the Miami-Dade Transit Property located near the intersection of NW 75 Street and NW 73 Court, Medley, Miami-Dade County, Florida

Resolution No. R-216-16

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: March 8, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Execution and Recording of a Covenant Running With the Land in Favor of Miami-Dade County, Florida, Requiring Institutional Controls at the Real Property Located Near the Intersection of NW 75 Street and NW 73 Court (Folios - 2230110020721, 2230110020592, and 2230110020656), Medley, Florida

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution and recording of the Covenant Running with the Land requiring Institutional Controls at the Real Property (Covenant) located near the intersection of NW 75 Street and NW 73 Court (Folios - 2230110020721, 2230110020592, and 2230110020656), Medley, Florida.

SCOPE

The site is located in Commissioner Jose "Pepe" Diaz's District 12.

Fiscal Impact/Funding Source

The Covenant shall be recorded for a fee of approximately $150.00, and an annual permit will be required in the amount of $1000.00 per every 10 years or $150.00 per every year. The fees will be paid from the Miami-Dade Transit's (MDT) Operating Budget (Index Code MT640100, Sub-object 22430).

TRACK RECORD/MONITOR

Mr. Akbar Sharifi, Senior Professional Engineer in the Field Systems Engineering Division of MDT, will comply with the permit and covenant conditions.

BACKGROUND

In June 2010, the former Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM) conducted confirmatory soil sampling at the above-referenced site in relation to ongoing site assessment activities being conducted at the adjacent Venevision Studios Property.

The DERM soil sample results revealed Polynuclear Aromatic Hydrocarbon (PAH) contamination in the soil above the Cleanup Target Levels (CTLs), which required a Site Assessment Report to document the extent of soil contamination. The Site Assessment Activities were concluded in July 2013. The exact cause/source of the contamination is not known. However, due to the surficial nature (within top two (2) feet) of the contamination, it is reasoned that it could have been caused by small leaks and spills from service trucks and lifts during routine maintenance of the MDT guideways.

In August 2013, DERM recommended that MDT pursue "No Further Action with Conditions" (NFAC) to demonstrate that human health, public safety, and the environment are protected. As a result, DERM subsequently approved the NFAC Report in April 2015. The NFAC required that Institutional Controls

be implemented at the site, specifically by prohibiting the use of the property for residential or day care/school use. Therefore, no remediation is required so long as the parcel remains undeveloped. Any removal of contaminated soil from the site would require prior written approval from the Miami-Dade County Department of Regulatory and Economic Resources. To effectuate these requirements, the attached Covenant Running with the Land shall be recorded.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: March 8, 2016

FROM: Abigail Price-Williams, County Attorney

SUBJECT: Agenda Item No. 8(N)(3)

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
_____	Statement of social equity 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)(3)
3-8-16

RESOLUTION NO. R-216-16

RESOLUTION AUTHORIZING THE CREATION AND RECORDING OF A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL CONTROLS AT THE MIAMI-DADE TRANSIT PROPERTY LOCATED NEAR THE INTERSECTION OF NW 75 STREET AND NW 73 COURT, MEDLEY, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this 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:

Section 1. This Board incorporates and adopts the foregoing recital and hereby authorizes the County Mayor or County Mayor's designee to execute and record the Covenant Running with the Land in substantially the form attached hereto as Exhibit 'A' to implement institutional controls on the Property located near the intersection of NW 75 Street and NW 73 Court, Medley, Florida to obtain approval for a No Further Action with Conditions proposal pursuant to Section 24-44 (2)(k)(ii) of the Code of Miami-Dade County, Florida.

Section 2. This Board, pursuant to Resolution No. R-974-09, (a) directs the County Mayor or the County Mayor's designee to record the instrument of conveyances executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instruments to the Clerk of the Board within 30 days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**absent**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

Memorandum

MIAMI-DADE COUNTY

Date: April 6, 2015

To: Julie Balogh, Manager
Airports and Contracts Section, DERM

From: Wilbur Mayorga, P.E., Chief
Environmental Monitoring & Restoration Division, DERM

Subject: RevisedDraft Restrictive Covenant for No Further Action with Conditions (NFAC)
The MDTA/Venevision property located near
7500 NW 72nd Avenue,
Medley, Florida 33166
HWR-0642/File-23815
Work Order No. WO#005R2-E09/URS

The Environmental Assessment Section (EAS) has completed a review of the above-referenced document dated March 12, 2015 and received March 13, 2015. The document is approved.

The document is ready to be executed and recorded. Within sixty (60) days of receipt of this memo, provide a copy of the executed and recorded document.

If you have any questions regarding the above, contact Thomas Kux, P.G. at (305) 372-6700 or at (kuxt@miamidade.gov).

tk

This instrument was prepared by:
Name:
Address:

(Space reserved for Clerk)

COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING INSTITUTIONAL CONTROLS AT REAL PROPERTY LOCATED IN THE VICINITY OF INTERSECTION OF NW 75th STREET AND NW 73rd COURT, MEDLEY, MIAMI-DADE COUNTY, FLORIDA.

The Owner, Miami-Dade County, holds the fee simple title to the parcel of real property legally described as set forth in Exhibit A, attached hereto and incorporated herein by reference, and located in the vicinity of intersection of NW 75th Street and NW 73rd Court, Medley, Miami-Dade County, Florida, and furthermore identified for ad valorem tax purposes by all or part of Folio Numbers 2230110020721, 2230110020592, 2230110020656 (hereinafter referred to as the "Property"), hereby creates a covenant pursuant to Section 24-44 (2)(k)(ii) of Chapter 24, Code of Miami-Dade County, Florida, on behalf of the Owner, heirs, successors, grantees and assigns, running with the land to and in favor of Miami-Dade County, a political subdivision of the State of Florida (hereinafter referred to as the "County"), its successors, grantees and assigns,

8 +

pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida, with respect to the Property as follows:

The Owner covenants and agrees to the following:

A. The Owner of the Property has elected to implement institutional controls on the Property to obtain approval for a No Further Action with Conditions proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida. The institutional controls that are applicable to the Property have been initialed as set forth below. These institutional controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24, Code of Miami-Dade County, Florida. The applicable institutional controls are set forth as follows:

1. _X_ The Property shall not be used for residential purposes.
2. _X_ The Property shall not be used for a children's nursery, children's day care center, children's school, children's camp, or any other similar facility.
3. __ Groundwater from the Property shall not be used for drinking water purposes.
4. __ Groundwater from the Property shall only be withdrawn for monitoring of pollution.
5. _X_ Contaminated soil, as delineated in the Site Assessment Report dated June 28, 2013 and approved by the Director of the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns, shall not be removed from the Property without prior written approval of the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns.

The Site Assessment report is summarized in Exhibit B, which is incorporated by reference.

6. ___ Other applicable institutional controls as set forth below:

_____

_____

_____

_____

_____

_____

7. __ Engineering control[(s)], detailed in the Engineering Control Plan dated ___ and approved by the Director of the Miami-Dade County Department of [Environmental Resources Management or Permitting, Environment and Regulatory Affairs or Regulatory and Economic Resources], its successors or its assigns. The Engineering Control Plan is summarized in Exhibit C, which is incorporated by reference.

B Prior to the entry into a landlord-tenant relationship with respect to the Property, the Owner agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Covenant.

C. For the purpose of inspecting for compliance with the institutional controls contained herein, the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns, shall have access to the Property at reasonable times and with reasonable notice to the Owner of the Property. In the event that the Owner does not or will not be able to

comply with any of the institutional controls contained herein, the Owner shall notify in writing the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns, within three (3) calendar days.

D. This Covenant may be enforced by the Director of the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns, by permanent, temporary, prohibitory, and mandatory injunctions as well as otherwise provided for by law or ordinance.

E. The provisions of this instrument shall constitute a covenant running with the land, shall be recorded, at the Owner's expense, in the public records of Miami-Dade County and shall remain in full force and effect and be binding upon the undersigned, their heirs, legal representatives, estates, successors, grantees and assigns until a release of this Covenant is executed and recorded in the Public Records of Miami-Dade County, Florida.

F. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by Miami-Dade County.

G. Upon demonstration to the satisfaction of the Director of the Department of Regulatory and Economic Resources, its successors or its assigns, that the institutional

controls set forth in this Covenant are no longer necessary for the purposes herein intended because the criteria set forth in Section 24-44 (2)(k)(i) of Chapter 24 of the Code of Miami-Dade County, Florida have been met, the Director of the Department of Regulatory and Economic Resources, its successors or its assigns, shall, upon written request of the Owner, release this Covenant.

H. The Owner shall notify the Director of the Miami-Dade County Department of Regulatory and Economic Resources, its successors or its assigns, within thirty (30) days of any conveyance, sale, granting or transfer of the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

I. The term Owner shall include the Owner and its heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned, being the Owner of the Property, agrees to the provisions of this Covenant, hereby create same as a Covenant Running with the Land in favor of Miami-Dade County, Florida, and set their hands and seal unto this Covenant this _____ day of _____, _____.

MIAMI-DADE COUNTY

WITNESSES:	OWNER:
sign _____	sign _____
print _____	print _____
sign _____	Address _____
print _____	_____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

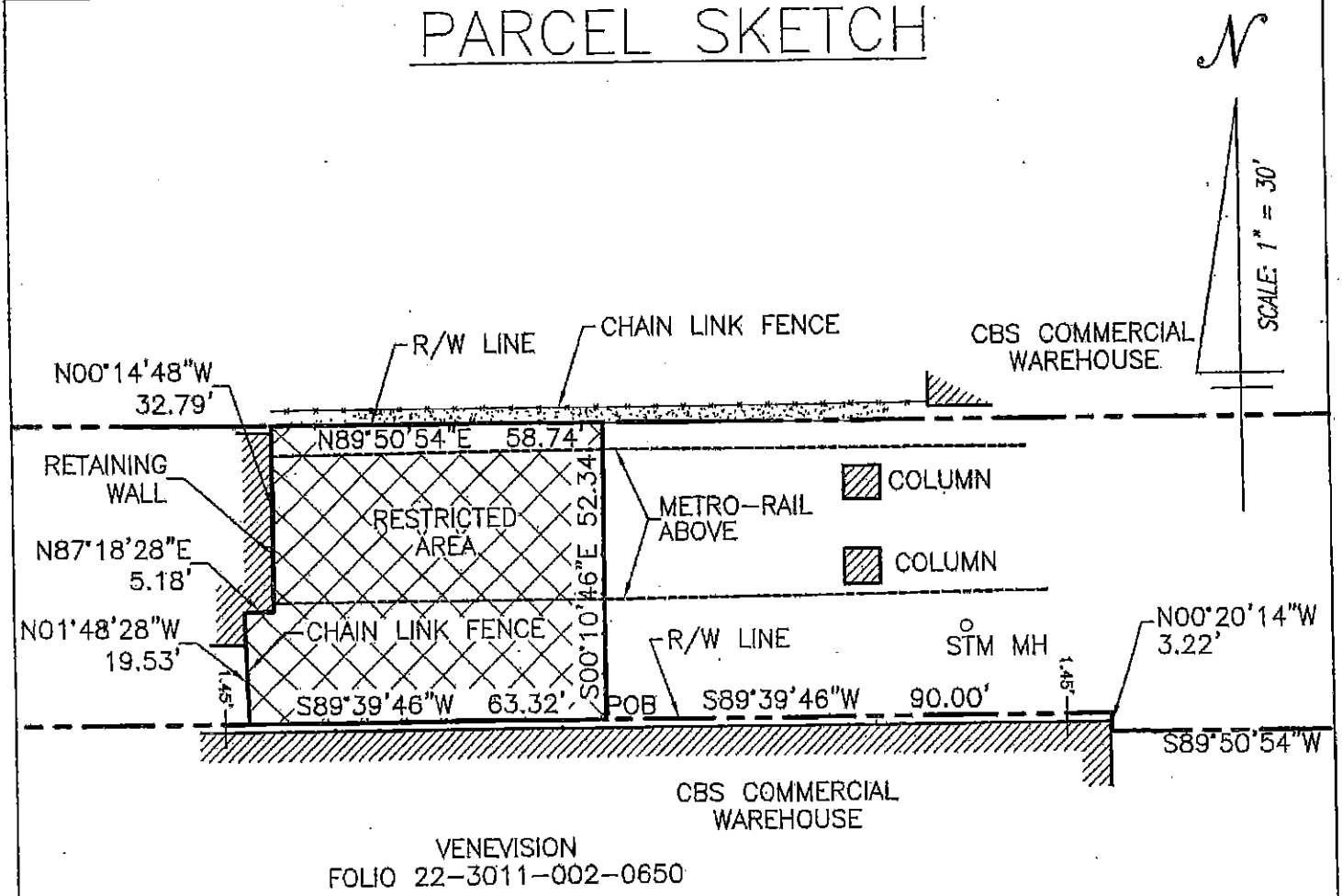
The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:
sign _____
print _____
State of Florida at Large (Seal)
My Commission Expires: _____

Exhibit A

Specific Purpose Survey

PARCEL SKETCH



LEGEND

——+——+——	CHAIN LINK FENCE
STM MH	STORM MANHOLE
R/W	RIGHT OF WAY
POB	POINT OF BEGINNING

NOTE:

THIS IS NOT A SURVEY.

BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF THE TRANSITWAY AS SHOWN ON THE RIGHT OF WAY MAP OF METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY, PROJECT NO 663413, PREPARED BY MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION.

PREPARED BY:

AYLWARD ENGINEERING & SURVEYING, INC.

3222 Ridge Trace
Davie, Florida 33328
954-424-5852
LB No. 5183

DATE: 9/19/2014, Revised 10/06/2014
PROJECT NO. 14-127

Sharon Aylward Cox, PSM No. 5450

THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION

A portion of Miami-Dade County Folio Nos. 22-3011-002-0592, 0656 & 0721, also being a portion of Tracts 38 and 39 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2 at Page 17, Public Records of Miami-Dade County, Florida, lying in Section 11, Township 53 South, Range 40 East, being more particularly described as follows:

Commence at the Northeast corner of the North ½ of the South ½ of the Southeast ¼ of the Southwest ¼ of said Section 11; thence run S89°43'48"W along the North line of the North ½ of the South ½ of the Southeast ¼ of the Southwest ¼ of said Section 11, and along the North line of said Tract 39, for a distance of 367.04 feet to the Point of Intersection with a line 367.04 feet West of and parallel with the East line of the North ½ of the South ½ of the Southeast ¼ of the Southwest ¼ of said Section 11, as measured along the North line thereof: thence run S01°47'42"E, along the last described line, for a distance of 32.29 feet to the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY; thence run S89°50'54"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 142.39 feet; thence run S83°34'15"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 100.60 feet; thence run S89°50'54"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 40.84 feet; thence continue S89°50'54"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 265.59 feet; thence run N00°20'14"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 3.22 feet; thence run S89°39'46"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 90.00 feet to the POINT OF BEGINNING; thence continue S89°39'46"W along the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 63.32 feet; thence run N01°48'28"W for a distance of 19.53 feet; thence run N87°18'28"E for a distance of 5.18 feet; thence run N00°14'48"W for a distance of 32.79 feet to the North Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY; thence run N89°50'54"E along the North Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY for a distance of 58.74 feet; thence run S00°10'46"E for a distance of 52.34 feet to the South Right of Way line of METRO-RAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY TRANSITWAY and the Point of Beginning.

PREPARED BY:
AYLWARD ENGINEERING & SURVEYING, INC.
3222 Ridge Trace
Davie, Florida 33328
954-424-5852
LB No. 5183
DATE: 9/19/2014, Revised 10/06/2014
PROJECT NO. 14-127

Sharon Aylward Cox, PSM No. 5450

THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Exhibit B

Site Assessment Summary

Exhibit-B
Miami-Dade County Transit Property
Vicinity of NW 75th Street and NW 73rd Court, Medley, FL 33166
HWR-0642/File #23815

SITE ASSESSMENT SUMMARY

URS Corporation (URS), on behalf of the MDT, prepared this Limited Site Assessment Report (LSAR) for the MDT Property w/folio #22-3011-002-0656 in the vicinity of NW 75th Street and NW 73rd Court, Medley (Figure 2) in accordance with proposal dated January 5, 2012. The Venevision property is currently used as a television production studio. A former property owner/operator (Endure A Lifetime Products, Inc.), a manufacturer of aluminum products, reportedly stored and/or used toluene in the area adjacent to the northern wall of the building (former warehouse) on the property. Per the regulatory files, the former property owner discontinued operations in 1998.

In 2005, a limited site assessment was conducted by Evans Environmental, which indicated that the unsaturated soils in an area immediately outside the northeastern corner of the existing studio building contained toluene concentrations above the Soil Cleanup Target Levels (SCTLs) for leachability to groundwater of 0.5 milligram per kilogram (mg/kg). The shallow groundwater in the area also contained toluene above the Groundwater Cleanup Target Level (GCTL) of 40 µg/L. The suspected source of toluene was the former property owner/operator (Endure A Lifetime Products, Inc.).

Consequently, per the regulatory files, approximately 58 tons of impacted soil and 6,600 gallons of toluene impacted fluids were removed by Arcadis and disposed during the Interim Source Removal (ISR) action performed in April 2008. Analytical results of the confirm sampling did not indicate VOAs, PAHs, or TRPHs above SCTLs. However, on the southern edge of the excavation, the footer associated with the Venevision building was encountered. Analytical results of the residual soils from the face of the footer at depths between 2-3.5 feet below ground contained toluene above SCTLs. Due to the presence of the footer, it was not possible to remove additional soil from the southern limit of the excavation.

Post-ISR soil sampling and groundwater sampling from monitor wells conducted in September 2009 revealed that samples from the former excavation area did not contain VOAs or TRPHs above SCTLs. Analytical results of supplemental confirmatory soil samples collected in December 2009 from the former excavation area, immediately above the building footer at original confirmatory cleanup soil sample locations did not contain VOAs or TRPHs above SCTLs. Analytical results of the groundwater samples collected from wells in and around the former excavation did not contain VOAs, TRPH or aluminum. Additional supplemental confirmatory sampling was conducted in February and April 2010. The regulatory files indicated that Miami Dade County Department of RER's Division of Environmental Resources Management (DERM) collected a soil sample to the west of the previous excavation that indicated elevated levels of benzo(a)pyrene [b(a)p]above the leachable levels as per the SCTLs.

With regards to the Venevision property, a Monitoring Only Plan (MOP) was approved by DPERA in September 2010. After two quarterly events, a No Further Action was approved for the Venevision property.

In response to the documented presence of b(a)p, DERM requested MDT to conduct additional soil sampling to determine the extents of b(a)p in the soil.

May and July, 2012 Soil Sampling (Rounds 1 and 2):

URS installed eight (8) soil borings in May 2012 to evaluate the potential extent of impacted soils. At each soil boring location, soil samples were collected in two-foot intervals (0-2' and 2-4') from the surface to the water table.

The analytical results indicated elevated levels of b(a)p above the residential soil cleanup target level (SCTL) of 0.1mg/Kg, but below the industrial/commercial SCTL of 0.7mg/Kg.

Based on the analytical data, URS installed three additional soil borings (using hand auger) in July 2012 at locations SB-9 (N10-W10) SB-10 (N10-W20), and SB-11 (N-25). The analytical results indicated elevated levels of b(a)p above the residential SCTL of 0.1mg/Kg, but below the industrial/commercial SCTL of 0.7mg/Kg.

October 2012 (Round 3 Soil Sampling):

Based on July 2012 data, URS installed the additional soil borings (using hand auger) on October 26, 2012 at locations SB-12 and SB-13. The samples from these borings were analyzed for b(a)p. The analytical results indicated elevated levels of b(a)p in the sample from SB-13 above the residential SCTL of 0.1mg/Kg, but below the industrial/commercial SCTL of 0.7mg/Kg. The samples from SB-12 did not indicate b(a)p above the SCTLs.

Based on the October 2012 data, URS proposed additional soil borings 40' and 50' west of SB-11 and 20' north of SB-13. In response to this proposal, DERM indicated that this site will be closed with conditions and requested two soil samples, one 75' west of SB-12 (proposed SB-14) and the other directly north of SB-13 (SB-15) at the MDT property line.

April 2013 Soil Sampling (Round 4):

The analytical results indicated elevated levels of b(a)p in the samples from the two locations (SB-14 and SB-15) above the residential SCTL of 0.1mg/Kg, but below the industrial/commercial SCTL of 0.7mg/Kg.

Based on the soil analytical data, delineation of extent of b(a)p contaminated soil has been achieved in the 2-4' bls interval. However, delineation for 0-2' bls appears to be incomplete for residential exceedance.

All the concentrations detected were below the industrial/commercial SCTLs. It is our understanding that MDT's intention is to continue to use this site for only industrial purposes. Based on the proposed future use and the contamination being below industrial SCTLs, URS recommended "No Further Action" with conditions for this site. Subsequently, DERM requested MDT to prepare a "Declaration of Restrictive Covenant" for the area with benzo (a) pyrene contamination. No engineering controls were required at this site.

TABLE 1: SOIL ANALYTICAL DATA

LSAR - MDT/Venevision

Soil Boring ID	Soil Boring ID	Depth Interval (ft)	Date	Benzo(a)Pyrene TEQ SCTL=0.1ppm
Round 1- May 2012 Sampling				
SB-1	SB-O	0-2	05/10/12	0.1
		2-4	05/10/12	0.2
SB-2	SB-E-10	0-2	05/10/12	0.09
		2-4	05/10/12	0.07
SB-3	SB-E-20	0-2	05/10/12	NA
		2-4	05/10/12	NA
SB-4	SB-S-5	0-2	05/10/12	0.09
		2-4	05/10/12	0.03
SB-5	SB-W-10	0-2	05/10/12	0.03
		2-4	05/10/12	0.11
SB-6	SB-W-20	0-2	05/10/12	NA
		2-4	05/10/12	NA
SB-7	SB-N-10	0-2	05/10/12	0.2
		2-4	05/10/12	0.2
SB-8	SB-N-15	0-2	05/10/12	0.4
		2-4	05/10/12	0.05
Round 2- July 2012 Sampling				
SB-9	SB-N10-W10	0-2	07/27/12	0.5
		2-4	07/27/12	0.3
SB-10	SB-N10-W20	0-2	07/27/12	0.3
		2-4	07/27/12	0.1
SB-11	SB-N-25	0-2	07/27/12	0.1
Round 3- October 2012 Sampling				
SB-12	SB-N10-W30	0-2	10/26/12	0.03
SB-13	SB-N25-W30	0-2	10/26/12	0.3
Round 4- April 2013 Sampling				
SB-14	SB-N5-W45	0-2	4/29/13	0.2
SB-15	SB-W30-N45	0-2	4/29/13	0.2

NA-Not Analyzed