

# Memorandum



**Date:** July 15, 2016

**To:** Honorable Sally A. Heyman  
Board of County Commissioners-District 4

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Notice of Environmental Contamination in Commission District 4

On March 3, 2009, the Board of County Commissioners adopted Resolution No. R-227-09 requiring that when environmental contamination is identified by the Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM), the Commissioner in whose District the environmental contamination is located shall be notified of such.

Pursuant to R-227-09, please be advised that the attached letter was sent to the party responsible for site rehabilitation on June 20, 2016 due to documented Benzo(b)fluoranthene (0.22 mg/kg), Total Benzo(a)pyrene Equivalents (0.182 mg/kg), 1-Methylnaphthalene (11.8 mg/kg), 2-Methylnaphthalene (14.0 mg/kg), Naphthalene (3.2 mg/kg) and Xylene (0.94 mg/kg) soil contamination. There is no evidence of a direct exposure risk to the contaminated soils due to the cement/concrete cap over the area of contamination. The owner/operator/responsible party must perform site rehabilitation action in order to bring the site into compliance with Chapter 24 of the Code of Miami-Dade County.

The summary of this case is noted below:

Subject	Environmental Contamination
Facility Name:	Multi-Family Apartment Building
DERM File #:	File-N/A/ UT-7262
Facility Address:	610 74 <sup>th</sup> Street, Miami Beach, Florida in Miami-Dade County
Folio Number:	02-3202-003-0640
Description/Nature of Violation:	Environmental contamination requiring site rehabilitation action pursuant to Division 3, Contaminated Site Cleanups, Chapter 24, Code of Miami-Dade County, Florida.

Should you have any questions or require additional information, please contact Mr. Lee N. Hefty, Assistant Director, Division of Environmental Resources Management, Department of Regulatory and Economic Resources at (305) 372-6754 or by email at [heftyl@miamidade.gov](mailto:heftyl@miamidade.gov).

Attachment: Site Rehabilitation Order for Environmental Contamination

c: Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  
Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources  
Lee N. Hefty, Assistant Director, Division of Environmental Resources Management - RER



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 4th Floor

Miami, Florida 33136-3912

T 305-372-6700 F 305-372-6982

miamidade.gov

June 20, 2016

Yhonatan Benimetzky, Manager  
610 74TH LLC  
3050 Biscayne Blvd.  
Suite 604  
Miami, FL 33137

CERTIFIED MAIL #7013 2630 0001 2418 2103  
RETURN RECEIPT REQUESTED

Re: Tank Closure Assessment Report (TCAR) dated April 18, 2016 and supplemental information dated June 1, 2016 and prepared by EE&G Environmental Services, LLC for the Multi-Family Apartment Building facility (UT-7262/File-N/A/DEP-N/A) located at, near, or in the vicinity of 610 74<sup>th</sup> St., Miami Beach, Miami-Dade County, Florida.

Dear Mr. Benimetzky:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced documents received April 20, 2016 and June 1, 2016, respectively, pertaining to the removal of one (1) 275 gallon heating oil underground storage tank (UST) system and the in-place abandonment of one (1) 275 gallon heating oil UST system on January 27, 2016 and February 23, 2016, respectively, and has determined that this report does not meet the requirements of Section 24-45, Code of Miami-Dade County (please note that heating oil USTs are exempt from the requirements of Rule 62-761.800, Florida Administrative Code). The following is required:

**UST Closure\Removal**

1. The submitted report indicate that an excavation bottom soil sample collected at approximately four feet below land surface (BLS) and observed to be saturated exhibited the highest Organic Vapor Analysis results (i.e., > 14,000 parts per million). However, the location of the Bottom Sample, obtained on January 26, 2016, was not depicted on the scaled site map. Therefore, in the next deliverable please provided a revised scaled site map depicting the location of the Bottom Sample.
2. In the next deliverable please provide the soil boring/lithology log(s), to include the depth to water information, pertaining to this closure. Be advised that based on the submitted information additional assessment may be required.

Pursuant to the above, and the provisions of Sections 24-7(26) and 24-25 of the Miami-Dade County Environmental Protection Ordinance, you are hereby required to submit to this office for review:

Within sixty (60) days of receipt of this letter, two (2) copies of an addendum to this report that addresses the comment above. Note that one of the copies shall be a compact disc (CD) containing the report as a single pdf file.

**UST Closure\Abandoned In-place**

DERM has determined that the closure of the abandoned in-place UST meets the requirements of Section 24-45, Code of Miami-Dade County. Therefore, the report has been placed on file with other pertinent material regarding the subject site.

Be advised that the levels of Benzo(b)fluoranthene (0.22 mg/kg), Total Benzo(a)pyrene Equivalents (0.182 mg/kg), 1-Methylnaphthalene (11.8 mg/kg), 2-Methylnaphthalene (14.0 mg/kg), Naphthalene (3.2 mg/kg) and Xylene (0.94

Mr. Benimetzky  
Multi-family Apartment Building  
UT-7262/F-N/A  
FDEP # N/A  
June 20, 2016  
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mg/kg) for the soil analytical results submitted in the TCAR exceeds the Cleanup Target Levels (CTLs) referenced in Chapter 62-777, FAC and constitute violations of Chapter 24, Code of Miami-Dade County (the Code), specifically, Sections 24-44(1), 24-25, and 24-29 of the Code; therefore, additional assessment is required.

Based on the above, and pursuant to Section 24-7(15), 24-7(26) and 24-44(2)(g) of the Code, you are hereby ordered to submit to this office for review, within ninety (90) days of receipt of this letter, an approvable Site Assessment Report (SAR) prepared in accordance with Section 24-44(2)(j)(iv) of the Code, along with the appropriate review fee (see: <http://www.miamidade.gov/permits/library/fees/schedule-environmental.pdf>). Specific guidance for the preparation of the SAR may be downloaded from DERM's web page at: [www.miamidade.gov/environment/pollutionremediation.asp](http://www.miamidade.gov/environment/pollutionremediation.asp).

DERM shall be notified in writing a minimum of three (3) working days prior to the implementation of any sampling or field activities. Email notifications shall be directed to [DERMPCD@miamidade.gov](mailto:DERMPCD@miamidade.gov). Please include the DERM file number on all correspondence.

Be advised that failure to comply with the above orders may result in this case being prepared for formal enforcement action in a court of competent jurisdiction for appropriate legal action under the enforcement provisions of Chapter 24 of the Code of Miami-Dade County, Florida.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions concerning the above, please contact Stanley Edouard ([edouas@miamidade.gov](mailto:edouas@miamidade.gov)) of the Environmental Monitoring & Evaluation Section at (305) 372-6700.

Sincerely,



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

se

pc: FDEP file copy – N/A

ec: Mr. Craig C. Clevenger, P.G., EE&G Environmental Services, LLC, [cclevenger@eeandg.com](mailto:cclevenger@eeandg.com)

Mr. Chris Holton, Sr. Staff Professional, EE&G Environmental Services, LLC, [cholton@eeandg.com](mailto:cholton@eeandg.com)