

Memorandum



Date: August 21, 2012
To: Honorable Chairman Joe A. Martinez
Board of County Commissioners - District 11
From: Carlos A. Gimenez
Mayor
Subject: Notice of Environmental Contamination District 11

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 (RER), Environmental Resources Management, the Commissioner in whose District the environmental contamination is located shall be notified.

Pursuant to R-227-09, the attached document is forwarded to your attention. The document requires the owner/operator/responsible party must perform site rehabilitation action in order to bring the subject 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:	The Goodyear Tire & Rubber Company DBA Goodyear Auto Service Center
DERM File#:	IW5 10914/File #15532
Facility Address:	11530 SW 147 Avenue, Unincorporated Miami-Dade County FL 33196
Folio Number:	30 5909 008 0040
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 of Environmental Resources Management at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment: Site Rehabilitation Order for Environmental Contamination

c: Jack Osterholt, Deputy Mayor/Director, RER
Lee N. Hefty, Assistant Director, Environmental Resources Management, RER



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 7th Floor
Miami, Florida 33136-3912
T 305-372-6600 F 305-372-6893
miamidade.gov

August 7, 2012

Walter R Blake - Registered Agent
Samowitz & Klein No 2 for Kendall LLC - Property Owner
1881 University Drive, Suite 100
Coral Springs, Florida 33071

Certified Mail No. 7010 1870 0000 2682 0143
Return Receipt Requested

RE: Property located at, near or in the vicinity of, 11530 SW 147 Avenue, Unincorporated Miami-Dade County, Florida (Folio # 30-5909-008-0041). File ID (IW5 10914/File # 15532).

NOTICE OF VIOLATION
AND ORDERS FOR CORRECTIVE ACTION

Dear Mr. Blake:

On May 14, 2012, our Department received a copy of the Discharge Reporting Form (DRF), submitted February 2012 to the Florida Department of Environmental Protection (FDEP), Southeast District, for the subject property. Mr. Miles Henderson, Project Geologist with Sierra Piedmont, provided the report. Mr. Henderson also provided result copies of the soil samples collected from the subject site. The analytical results indicate an exceedance of the FDEP Soil Cleanup Target Levels for FL-PRO.

Be advised that discharging, or allowing the discharge of any industrial waste or liquid waste to the ground and/or groundwater constitutes violations of the provisions of Chapter 24 of the Code of Miami-Dade County, Florida (the Code), specifically:

Section 24-27 of Chapter 24, which states in pertinent part: "No person shall cause, or allow to be caused, any nuisance or sanitary nuisance as defined in Sections 24-5 and 24-28 herein."

Section 24-29 of Chapter 24, inasmuch as it shall be unlawful for any person to violate any of the provisions of this chapter, any lawful rules and regulations promulgated under this chapter, any lawful order of the Director of the Department of the Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit.

Section 24-31(6), of Chapter 24, inasmuch as whenever a violation of this Chapter occurs or exists, or has occurred or existed, any person who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation or who has legal, beneficial or equitable interest in the real property upon which such violation occurs or exists or has occurred or existed, shall be jointly and severally liable for such violation regardless of fault and regardless of knowledge of the violation.

Section 24-31(7) of Chapter 24, inasmuch as any person violating any provision of this chapter shall immediately correct the violation and restore the air, water, ground and property, including but not limited to animal, plant and aquatic life, affected by said violation in accordance with the provisions of this chapter.

Section 24-42, of Chapter 24, inasmuch as it shall be unlawful for any person to throw, drain, run or to cause, permit or suffer to be thrown, run, drained or allowed to seep or otherwise discharge into any of the waters of this County, any organic or inorganic matter or any industrial or liquid wastes which shall breach the values set forth in Sections 24-42(2) and 24-42(4), or cause water pollution or a nuisance or sanitary nuisance as herein defined.

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COMPLETED
8/11/12

Based on the above, and pursuant to the authority granted to me under Section 24-7 of Chapter 24 of the Code of Miami-Dade County, you are hereby ordered to:

1. Upon receipt of this Notice, you shall immediately **CEASE and DESIST** from allowing any further unauthorized discharge to the ground and/or groundwater at the subject site. This includes but is not limited to the aforementioned drainage systems.
2. Within ninety-days (90) of receipt of this Notice, submit to the Environmental Monitoring & Restoration Division (EMRD) two copies of a "Site Assessment Report" (SAR), which meets the objectives of Section 24-44 (2) of Chapter 24 of the Code of Miami-Dade County, including the identification and the extent of ground and/or groundwater contamination at the subject site. The SAR shall include a Monitoring Only Proposal (MOP), or a No Further Action Proposal (NFAP), or a recommendation to prepare a Remedial Action Plan (RAP). The SAR submittal shall be to the attention of Wilbur Mayorga, P.E., Chief, EMRD and shall include the appropriate review fee (http://www.miamidade.gov/derm/paying_fees.asp).
3. Be advised that you must notify Beth Baughman of the EMRD, in writing, a minimum of three (3) working days prior to the implementation of any sampling or field activities. E-mail notifications shall be directed to DERMPCD@miamidade.gov. The EMRD main number is (305) 372-6700.
4. For sites requiring active remediation, within ninety-days (90) of receipt of the approval letter from this Department for the SAR, submit two copies of a Remedial Action Plan (RAP) prepared in accordance with Chapter 24 of the Code of Miami-Dade County.
5. Upon receipt of the approval letter from this Department, you shall implement said plans and submit all testing results and activity reports to the EMRD within the timeframes stipulated in the approval.
6. Submit activity reports that describe the progress of the active remediation or monitoring activities at a frequency approved in the RAP or MOP.

For appropriate handling, include the subject ID number (IW5-10914/File # 15532) referencing this facility on all submittals filed with this Department.

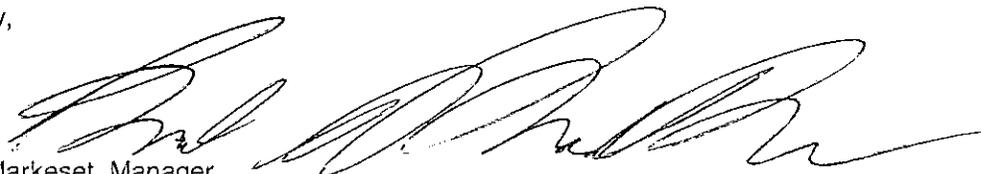
Any person aggrieved by any action or decision of the Director of the Permitting, Environment and Regulatory Affairs (PERA) Department (formerly known as DERM) may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee to the Code Coordination and Public Hearings (CCPH) Section of this Department within fifteen-days (15) of the date of the action or decision by PERA. Contact Christine Velazquez at (305) 372-6503 for EQCB application information.

Be advised, any request for an extension of time to submit the required reports and or plans may be charged a \$100 fee (pursuant to MDC Fee Schedule located at http://www.miamidade.gov/derm/paying_fees.asp). Therefore, please contact Sonia Rosado at 305 372-6712 to determine if a compliance extension can be granted and for instructions on how to submit the formal request and fee.

FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DEPARTMENTAL COSTS INCURRED IN THE INVESTIGATION AND SETTLEMENT OF THIS CASE. IN ADDITION, FAILURE TO COMPLY MAY RESULT IN YOUR CASE BEING PREPARED FOR FORMAL ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTION 24-29 OF CHAPTER 24 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA.

If you have any questions concerning the above, please contact Sonia Rosado at (305)-372-6712 or via e-mail at rosads@miamidade.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl E. Markeset', written in a cursive style.

Karl E. Markeset, Manager,
Environmental Evaluations – Local Programs Section

KM/sir

Enclosures:

Cc: File