

Memorandum



Date: August 21, 2012

To: Honorable Rebeca Sosa
Board of County Commissioners - District 6

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination District 6

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:	TLA Investments Inc DBA Red Bird Citgo
DERM File#:	IW5 7141/File #6549
Facility Address:	5701 SW 40 Street, Unincorporated Miami-Dade County FL 33155
Folio Number:	30 4013 000 0140
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 8, 2012

CT Corporation System - Registered Agent
Redbird Shopping Center LLC - Property Owner
AKA Redbird Associates
1200 South Pine Island Road
Plantation, Florida 33324

Certified Mail # 7010 1870 0000 2682 0129
Return Receipt Requested

Jeffrey L Brandon
5761 Bird Road
Miami, Florida 33155

Certified Mail # 7010 1870 0000 2682 0365
Return Receipt Requested

Enrique Finkelstein - DP
TLA Investments Inc
5701 Bird Road
Miami, Florida 33155

Certified Mail # 7010 1870 0000 2682 0136
Return Receipt Requested

RE: Environmental samples collected from a stormwater collection system and septic tank at TLA Investments Inc DBA Red Bird Citgo (IW5-7141/File # 6549), property located at, near, or in the vicinity of, 5701 SW 40 Street, Unincorporated Miami-Dade County, Florida (Folio # 30-4013-000-0140).

NOTICE OF VIOLATION
AND ORDERS FOR CORRECTIVE ACTION

Dear Messrs. Brandon and Finkelstein:

On May 4, 2012, and as part of an ongoing enforcement case (Warning Notice copy enclosed), a representative of this Department returned to the subject site to sample a storm sewer system/soakage pit whose location was discovered (under a storage trailer) during an on-site televising of the oil/water separator's effluent pipe. The televising event took place on 9/27/2011 and confirmed that the oil/water separator is not a closed system, and that it discharges to a structure.

After addressing several issues related to the storage trailer and its location, the Mr. Finkelstein had it removed to allow for inspection and sampling of the soakage pit. The soakage pit is located along the building's NNW section, and just NW of the oil/water separator. Samples were also collected from an on-site septic tank (NNE side of building), which is utilized by the subject facility. Relevant analytical results (enclosed and available for review at http://DERM.miamidade.gov) show evidence of unauthorized discharges to both structures.

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

Section 24-27, 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.

Delivering Excellence Every Day

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, individually or otherwise, 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 said 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 (1), (2) and (3), 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 matter or inorganic matter or industrial wastes which shall breach the values set forth in Sections 24-42(2) and 24-42(4), or cause water pollution as herein defined.

Section 24-42.4 (2) (a), of Chapter 24, which states in pertinent part: "It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sewer designed to carry storm water, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer."

Section 24-43.1(2), of Chapter 24, inasmuch as no person shall discharge or cause, allow, permit, let or suffer to be discharged any liquid waste or other substance of any kind whatsoever into a septic tank other than domestic sewage;

Based on the above and pursuant to the authority granted to me under Sections 24-7(15) and 24-7(26) 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 any further unauthorized discharges to the stormwater collection system, the septic tank, the ground, and/or groundwater at the subject location. The order includes ceasing sink discharges to the oil/water separator by removing the sink or properly connecting the sink to the septic tank via licensed plumber.
2. **Within fifteen-days (15) of receipt of this Notice**, pump-out and pressure clean the storm sewer system/soakage pit, the oil water separator and the septic tank, and have the contents disposed of in accordance with all applicable local, state, and federal regulations. Be advised that analytical results referenced above indicate that the subject **wastes from the stormwater system are not suitable** for local disposal at the Publicly Owned Treatment Works (POTW) facility. Waste from the **oil/water separator** is also **not suitable** for disposal at the POTW. The **septic tank waste appears suitable** for local disposal at the POTW.

Please note that only a Liquid Waste Transporter permitted by this Department can perform the subject waste disposal. Therefore, enclosed for your convenience is a current list of permitted **waste oil haulers** (for the storm sewer/soakage pit & oil/water separator systems) and **septic haulers** (for the septic tank) who can take the subject waste.

3. **Within thirty-days (30) of receipt of this Notice**, mail or fax a legible copy of plumbers receipt (see order # 1) and of the pump-out receipt/manifest (see order # 2) to the Environmental Compliance Section, **attention Sonia Rosado**. The fax number is (305) 372-6712.

4. **Within ninety-days (90) of receipt of this Notice**, submit to this Department two copies of a "**Site Assessment Report**" (SAR) *for the soakage pit only*, 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, Environmental Monitoring & Restoration Division (EMRD) and shall include the appropriate review fee (http://www.miamidade.gov/derm/paying_fees.asp).
5. 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.
6. 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.
7. 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.
8. 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 permit and file number (**IW5-7141/File # 6549**) referencing this facility on all submittals filed with this Department.

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 DERM 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.

Any person aggrieved by any action or decision of the 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 this Department within fifteen-days (15) of the date of the action or decision of this Department. For further information regarding the EQCB appeal application process, please contact Christine Velazquez at (305) 372- 6503.

FAILURE TO COMPLY WITH THE ABOVE AND WITH THE PROVISIONS OF CHAPTER 24, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, MAY RESULT IN THE ISSUANCE OF A UNIFORM CIVIL VIOLATION NOTICE (UCVN) PURSUANT TO CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY REQUIRING CORRECTIVE ACTIONS AND PAYMENT OF A CIVIL PENALTY, AND/OR FURTHER ENFORCEMENT ACTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTIONS 24-29 AND 24-30 OF CHAPTER 24, OF THE CODE OF MIAMI-DADE COUNTY.

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,



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

KM/sir

Enclosures: Liquid Waste Transporter List (Waste Oil & Septic)
Lab result (5/4/12)
Warning Notice (4/22/11)

Cc: File
Commissioner Rebeca Sosa, District 6