

# Memorandum



**Date:** November 14, 2012  
**To:** Honorable Jose "Pepe" Diaz  
Board of County Commissioners - District 12  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Notice of Environmental Contamination District 12

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

Pursuant to R-227-09, please be advised that the attached letter was sent to the party responsible for site rehabilitation on October 29, 2012 due to documented soil and/or groundwater contamination. There is no risk of a direct exposure to contaminated soils at this time since the area is covered by asphalt/concrete. Additionally, the site is in an area receiving County water service; therefore, drinking water is not at risk from the groundwater contamination. 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:	Marathon West-Gardens
DERM File#:	File 8553/UT 2445
Facility Address:	11390 NW 87 Court, Hialeah Gardens, Florida in Miami-Dade County
Folio Number:	27-2033-010-0010
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 RER - Environmental Resources Management 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  
Lee N. Hefty, Assistant Director, RER - Environmental Resources Management



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

October 29, 2012

Ignacio Urbietta, Jr.
Biscayne Enterprises, Inc
9701 N.W. 89th Avenue
Medley, FL 33178

CERTIFIED MAIL No. 7000 0600 0024 3265 9538
RETURN RECEIPT REQUESTED

RE: Marathon-West Gardens facility. (UT-2445/File-8553/DEP #13/8841487), located at, near, or in the vicinity of 11390 N.W. 87th Court, Hialeah Gardens, Miami-Dade County, Florida (Folio #27-2033-010-0010).

Dear Mr. Urbietta:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On October 18, 2012, a representative of this Department inspected the above referenced site and found evidence of hydrocarbon contamination in the groundwater of Miami-Dade County.

Be advised that the discharge of hydrocarbons to the ground and/or groundwater of Miami-Dade County constitute violations of the Miami-Dade County Environmental Protection Ordinance, to wit:

Section 24-42(1), of the aforesaid Code, inasmuch as said discharge causes water pollution, and constitutes a nuisance and sanitary nuisance as defined in Sections 24-5 and/or 24-28;

Section 24-27, of the aforesaid Code, which states in pertinent part: "No person shall cause any nuisance or sanitary nuisance as defined in Sections 24-5 and/or 24-28 hereof"; and

Section 24-25(4), of the aforesaid Code, inasmuch as any person who commits a violation of any of the rules and regulations which are adopted pursuant to this section shall be deemed guilty of committing a violation of this chapter by reference.

Based on the above and pursuant to the authority granted to me under Sections 24-7(15), 24-7(26), and pursuant to the requirements of Sections 24-45(5) and Section 24-25(1)(f) of Chapter 24 of the Code of Miami-Dade County, I am hereby ordering you to:

- 1. Upon receipt of this NOTICE, immediately CEASE and DESIST from any further discharges of hazardous materials to the ground and groundwater of Miami-Dade County from the subject facility.
2. Within three (3) days of receipt of this NOTICE, take steps to obtain cleanup services for free product recovery or initiate free product recovery.
3. Upon receipt of this NOTICE, immediately test the entire underground storage tank (UST) system, including precision testing of the tanks and lines and hydrostatic testing of all sumps, fill ports and dispenser liners, and submit the results to this Department within three (3) days of testing. The results may be emailed to Ana Chirino at chiria@miamidade.gov or faxed to her attention at (305) 372-6907

Excellence Every Day

Mr. Urbietta  
UT-2445/File-8553  
FDEP Fac. ID #13/8841487  
October 29, 2012  
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4. Within sixty (60) days of completion of free product removal and proper disposal, soil treatment or proper soil disposal, submit to this Department two copies of a Source Removal Report, as outlined in Chapter 62-770.300(3), to Wilbur Mayorga, P.E., Chief, Environmental Monitoring & Restoration Division, Miami-Dade County RER, 701 NW 1<sup>st</sup> Ct, 4<sup>th</sup> floor, Miami, FL 33136.
5. Within two hundred seventy (270) days of receipt of this NOTICE, submit to this Department two signed and sealed copies of a "Site Assessment Report" (SAR) which meets the criteria of Chapter 62-770, Florida Administrative Code (F.A.C.) including the identification of 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 must be submitted to Wilbur Mayorga, P.E., Chief, Environmental Monitoring & Restoration Division, Miami-Dade County RER, 701 NW 1<sup>st</sup> Ct, 4<sup>th</sup> floor, Miami, FL 33136.
6. For sites requiring active remediation, within ninety (90) days of receipt of approval from this Department for the SAR, submit two copies of a Remedial Action Plan (RAP) prepared in accordance with Chapter 62-770, F.A.C.
7. Upon receipt of approval for the RAP or MOP, immediately implement and complete the RAP or MOP in accordance with the timeframes stipulated in the approval.
8. Submit activity reports which describe the progress of the active remediation or monitoring activities at a frequency approved in the RAP or MOP.

**BE ADVISED THAT 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 SECTIONS 24-29 AND 24-30 OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY.**

If you have any questions concerning this matter, please contact Ana Chirino of the Environmental Evaluations-Delegated Programs of this office at (305) 372-6600.

Sincerely,



Mayra Flagler, Manager

Environmental Evaluations-Delegated Programs

Enclosure(s)

cc: FDEP Oculus  
RER File  
Kevin Slapp, RER



Florida Department of Environmental Protection  
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-2400

Division of Waste Management  
Bureau of Petroleum Storage Systems

### Storage Tank Facility Discharge Site Inspection Report

#### Facility Information:

Facility ID: 8841487 County: MIAMI-DADE Inspection Date: 10/19/2012  
Facility Type: A -Retail Station  
Facility Name: MARATHON-WEST GARDENS # Of Inspected ASTs: 0  
11390 NW 87TH CT USTs: 3  
HIALEAH GARDENS, FL 33016 Mineral Acid Tanks: 0  
Latitude: 25° 52' 36.5181"  
Longitude: 80° 20' 24.5723"  
LL Method: DGPS

#### Inspection Result:

Result : Minor Out of Compliance  
Description: Facility is Minor Out of Compliance.

#### Financial Responsibility

Financial Responsibility: INSURANCE  
Insurance Carrier: ACE  
Effective Date: 02/23/2012 Expiration Date: 02/23/2013

#### Findings:

No Training Certificates are Available.

#### Signatures:

TKDERM - MIAMI - DADE DEPT OF ENVIRONMENTAL RESOURCE MGMT

#### Storage Tank Program Office

(305) 372-6700

#### Storage Tank Program Office Phone Number

Facility ID: 8841487

Christopher S Runte  
INSPECTOR NAME

Felix Ramirez  
REPRESENTATIVE NAME



INSPECTOR SIGNATURE

REPRESENTATIVE SIGNATURE

Owners of UST facilities are reminded that the Federal Energy Policy Act of 2005 requires Operator Training at all facilities by August 8, 2012. For further information please visit:  
[http://www.dep.state.fl.us/waste/categories/tanks/pages/op\\_train.htm](http://www.dep.state.fl.us/waste/categories/tanks/pages/op_train.htm)

### System Tests

Type	Date Completed	Results	Reviewed	Next Due Date	Comment
<b>Completed Tests</b>					
Tank Tightness Test	12/06/2011	Passed	12/06/2011	12/06/2012	Conducted by PSR.
Cathodic Survey	12/05/2011	Passed	12/06/2011	12/05/2014	Conducted by Northrup construction Inc.
Annual Inline Leak Detector Test	12/06/2011	Passed	12/06/2011	12/06/2012	Conducted by PSR.
Line Tightness Test	12/06/2011	Passed	12/06/2011	12/06/2012	Conducted by PSR.
Annual Operability Test	12/06/2011	Passed	12/06/2011	12/06/2012	Conducted by PSR.

### Outstanding Violations

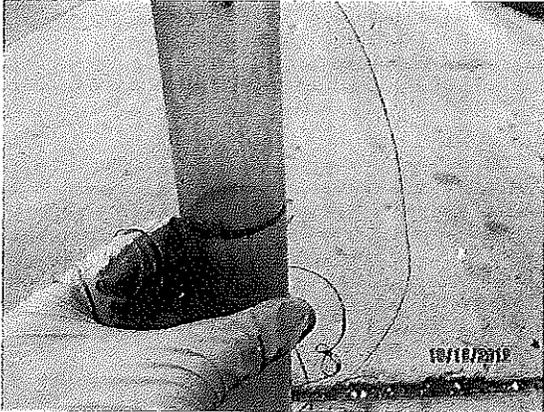
Type: Violation  
Significance Name: Minor  
Rule: 62-761.640(2)(c)2.b., 62-761.640(2)(c)2.a.  
Violation Text: Free product or sheen present in wells.  
Explanation: Free product or sheen is not present and has not been observed in the well within the previous thirty (30) months, as demonstrated by records of at least six (6) monthly ground water monitoring sampling events, and within the previous two years, the system has been tested tight with tank and line piping tests or another internal method of release detection performed in accordance with subsection 62-761.640(3), F.A.C.  
Corrective Action: Conduct clean up activities to clean up and remediate to free floating product.

### Violation Photos

Facility ID: 8841487

Added Date 10/18/2012

Free floating product in MW#1.



Added Date 10/18/2012

The location of the contaminated well.



### Inspection Comments

10/19/2012

On site with Felix Ramirez (305) 362-9155 for a sampling inspection because during the annual compliance inspection conducted on 10/18/12 free floating product was observed in monitoring well number one. The well is located next to the diesel fill port. A FL-PRO sample was collected from said monitoring well (blue card # 290670). A discharge report form was filled out by Mr. Ramirez. Pictures were taken.

### Inspection Photos

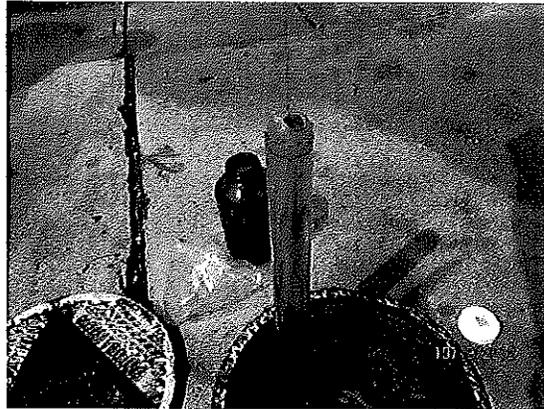
Added Date 10/19/2012

Monitoring well #1 next to diesel dispenser.



Added Date 10/19/2012

Free floating product.



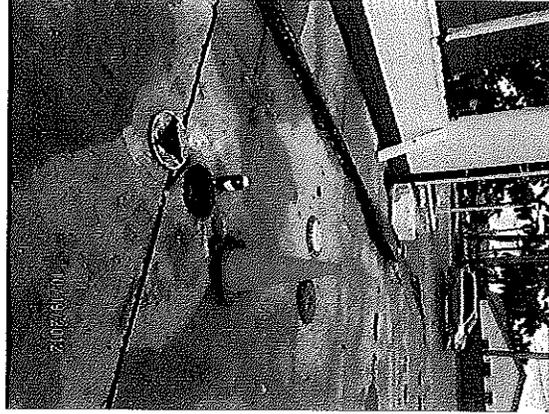
Facility ID: 8841487

Added Date 10/19/2012

FL Pro.

Added Date 10/19/2012

Overview of the sample.





# Discharge Report Form

PLEASE PRINT OR TYPE

DEP Form # <u>62-761.900(1)</u>
Form Title <u>Discharge Report Form</u>
Effective Date _____

Instructions are on the reverse side. Please complete all applicable blanks

1. Facility ID Number (if registered): 8841487 2. Date of form completion: 10/19/12

### 3. General information

Facility name or responsible party (if applicable): OSCAR MENDOZA  
 Facility Owner or Operator, or Discharger: RODRIGO GARCIA  
 Contact Person: FELIX D RAMIREZ Telephone Number: (305) 362-9155 County: DADC  
 Facility or Discharger Mailing Address: \_\_\_\_\_  
 Location of Discharge (street address): 11390 H.W 87CT. H-LA G. 33018  
 Latitude and Longitude of Discharge (if known) \_\_\_\_\_

4. Date of receipt of test results or discovery of confirmed discharge: 10/18/12 month/day/year 5. Estimated number of gallons discharged: Un Known

6. Discharge affected:  Air  Soil  Groundwater  Drinking water well(s)  Shoreline  Surface water (water body name) \_\_\_\_\_

### 7. Method of discovery (check all that apply)

<input type="checkbox"/> Liquid detector (automatic or manual)	<input type="checkbox"/> Internal inspection	<input type="checkbox"/> Closure/Closure Assessment
<input type="checkbox"/> Vapor detector (automatic or manual)	<input type="checkbox"/> Inventory control	<input type="checkbox"/> Groundwater analytical samples
<input type="checkbox"/> Tightness test	<input checked="" type="checkbox"/> Monitoring wells	<input type="checkbox"/> Soil analytical tests or samples
<input type="checkbox"/> Pressure test	<input type="checkbox"/> Automatic tank gauging	<input type="checkbox"/> Visual observation
<input type="checkbox"/> Statistical Inventory Reconciliation	<input type="checkbox"/> Manual tank gauging	<input type="checkbox"/> Other _____

### 8. Type of regulated substance discharged: (check one)

<input checked="" type="checkbox"/> Unknown	<input type="checkbox"/> Used/waste oil	<input type="checkbox"/> Jet fuel	<input type="checkbox"/> Heating oil	<input type="checkbox"/> New/lube oil
<input type="checkbox"/> Gasoline	<input type="checkbox"/> Aviation gas	<input type="checkbox"/> Diesel	<input type="checkbox"/> Kerosene	<input type="checkbox"/> Mineral acid
<input type="checkbox"/> Hazardous substance - includes CERCLA substances from USTs above reportable quantities, pesticides, ammonia, chlorine, and derivatives (write in name or Chemical Abstract Service (CAS) number) _____				
<input type="checkbox"/> Other <u>GAS / DIESEL</u>				

### 9. Source of Discharge: (check all that apply)

<input type="checkbox"/> Dispensing system	<input type="checkbox"/> Pipe	<input type="checkbox"/> Barge	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Vehicle
<input type="checkbox"/> Tank	<input type="checkbox"/> Fitting	<input type="checkbox"/> Tanker ship	<input type="checkbox"/> Railroad tankcar	<input type="checkbox"/> Airplane
<input checked="" type="checkbox"/> Unknown	<input type="checkbox"/> Valve failure	<input type="checkbox"/> Other Vessel	<input type="checkbox"/> Tank truck	<input type="checkbox"/> Drum
<input type="checkbox"/> Other _____				

### 10. Cause of the discharge: (check all that apply)

<input type="checkbox"/> Loose connection	<input type="checkbox"/> Puncture	<input type="checkbox"/> Spill	<input type="checkbox"/> Collision	<input type="checkbox"/> Corrosion
<input type="checkbox"/> Fire/explosion	<input type="checkbox"/> Overfill	<input type="checkbox"/> Human error	<input type="checkbox"/> Vehicle Accident	<input type="checkbox"/> Installation failure
<input type="checkbox"/> Other _____				

11. Actions taken in response to the discharge: Will investigate cause of discharge & start source removal once cause is known.

12. Comments: \_\_\_\_\_

### 13. Agencies notified (as applicable):

<input type="checkbox"/> State Warning Point 1-800 320-0519	<input type="checkbox"/> National Response Center 1-800-424-8802	<input type="checkbox"/> Florida Marine Patrol (800) 342-5367	<input type="checkbox"/> Fire Department	<input type="checkbox"/> DEP (district/person) <input checked="" type="checkbox"/> County Tanks Program
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14. To the best of my knowledge and belief, all information submitted on this form is true, accurate, and complete.

FELIX D RAMIREZ  
Printed Name of Owner, Operator or Authorized Representative, or Discharger

[Signature]  
Signature of Owner, Operator or Authorized Representative, or Discharger