Memorandum

MIAMI-DADE COUNTY

Date: February 13, 2013

To: Honorable Jean Monestime
Board of County Commissioners - District 2

From: Carlos A. Gimenez
Mayor

Subject: Notice of Environmental Contamination District 2

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), 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 January 28, 2013 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 with 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 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:	Petro Opalocka Gas Real Estate Holding LLC
RER File#:	File #4216 / UT #62
Facility Address:	715 Opa Locka Boulevard, Miami-Dade County, Florida
Folio Number:	30-2123-009-0010.
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 of the Department of Regulatory and Economic Resources – 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 – Department of Regulatory and Economic Resources
Lee N. Hefty, Assistant Director, RER-Environmental Resources Management

MIAMI-DADE COUNTY
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

January 28, 2013

Ruben Gonzalez
Petro Opalocka Gas Real Estate Holding LLC
2401 NW 30th Avenue
Miami, FL 33142

CERTIFIED MAIL No. 7000 0810 0000 7059 6856
RETURN RECEIPT REQUESTED

RE: Petro Opalocka Gas Real Estate Holding LLC facility (UT-62/File-4216/FDEP #13/8504595), located at, near, or in the vicinity of 715 Opa Locka Boulevard, Miami-Dade County, Florida (Folio #30-2133-009-0010).

Dear Mr. Gonzalez:

NOTICE OF VIOLATION AND ORDERS FOR CORRECTIVE ACTION

A Discharge Reporting Form dated May 4, 2012 and groundwater analytical results dated April 30, 2012 were submitted to this Department on December 5, 2012 for the above referenced site, documented evidence of hydrocarbon contamination in the ground and/or 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. 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.

Striving for Excellence Every Day

3. 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 1st Ct, 4th floor, Miami, FL 33136.

4. 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.

5. 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.

6. 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

Mayra Flagler, Manager
Environmental Evaluations-Delegated Programs

Enclosure(s)

cc: FDEP Oculus
RER File

Discharge Reporting Form

PLEASE PRINT OR TYPE

DEP Form # 62-761.900(1)
Form Title Discharge Reporting Form
Effective Date

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

1. **Facility ID Number** (if registered): 8504595 2. **Date of form completion:** May 4, 2012

3. **General information**
Facility name: Liberty Gas Service Station
Facility Owner or Operator: Petro OPA Locka Gas Real Estate Holding LLC
Facility Contact Person Ruben Gonzalez Telephone number: (305) 633-6030 County: Miami-Dade
Facility Mailing address: 715 OPA Locka Blvd, Miami, FL 33168
Location of discharge (facility street address): 715 OPA Locka, Miami, FL 33168
Latitude and Longitude of discharge (If known.)

4. **Date of receipt of test results or discovery of confirmed discharge:** 5/2/12 month/day/year

5. **Estimated number of gallons discharged:** UNKNOWN

6. **Discharge affected:** [ ] Air [ ] Soil [x] Ground water [ ] Drinking water well(s) [ ] Shoreline [ ] Surface water (water body name)

7. **Method of discovery** (check all that apply)
[ ] Liquid detector (automatic or manual) [ ] Internal inspection [ ] Closure/Closure Assessment
[ ] Vapor detector (automatic or manual) [ ] Inventory control [x] Groundwater analytical samples
[ ] Tightness test [ ] Monitoring wells [ ] Soil analytical tests or samples
[ ] Pressure test [ ] Automatic tank gauging [ ] Visual observation
[ ] Statistical Inventory Reconciliation [ ] Manual tank gauging [ ] Other

8. **Type of regulated substance discharged:** (check one)
[ ] Unknown [ ] Used/waste oil [ ] Jet fuel [ ] Heating oil [ ] New/lube oil
[x] Gasoline [ ] Aviation gas [ ] Diesel [ ] Kerosine [ ] Mineral acid
[ ] Hazardous substance - includes CERCLA substances from USTs above reportable quantities, pesticides, ammonia, chlorine, and derivatives (write in name or Chemical Abstract Service (CAS) number)
[ ] Other

9. **Discharge originated from a:** (check all that apply)
[ ] Dispensing system [ ] Pipe [ ] Barge [ ] Pipeline [ ] Vehicle
[x] Tank [ ] Fitting [ ] Tanker ship [ ] Railroad tankcar [ ] Airplane
[ ] Unknown [ ] Valve failure [ ] Other Vessel [ ] Tank truck [ ] Drum
[ ] Other

10. **Cause of the discharge:** (check all that apply)
[ ] Loose connection [ ] Puncture [ ] Spill [ ] Collision [ ] Corrosion
[ ] Fire/explosion [ ] Overfill [ ] Human error [ ] Vehicle Accident [ ] Installation failure
[x] Other UNKNOWN

11. **Actions taken in response to the discharge:** Submitted DRF to PCRA

12. **Comments:**

13. **Agencies notified (as applicable):**
[ ] State Warning Point *(904) 488-1320* [ ] National Response Center *1-800-424-8802* [ ] Fire Department. [x] County Tanks Program [ ] DEP (district/person)

14. **To the best of my knowledge and belief all information submitted on this form is true, accurate, and complete.**

JAMES MILLER
Printed Name of Owner, Operator or Authorized Representative

Signature of Owner, Operator or Authorized Representative.

HAT

TABLE 1- GROUNDWATER ANALYTICAL RESULTS(VOA)
LIBERTY GAS
715 OPALOCKA BLVD
OPALOCKA, FL

Well ID	Date Sampled	Benzene	Ethylbenzene	MTBE	Toluene	Total Xylenes	FLPRO*
MW-NE	4/25/2012	14700	12800	137.48 U	90100	69700	35.4
MW-SW	4/25/2012	17300	6960	549.90 U	57300	41200	51.7
Criteria	N/A	1.0	30	20	40	20	5

Notes: Criteria - FAC 62-777 (Groundwater Criteria)
All units reported in ug/l
* - reported in mg/l but by method FLPRO
C:\Forms/Tables/o

5/8/2012

Florida Spectrum Environmental Services, Inc.

Report To:
James T. Miller, P.E.
Hydrologic Associates USA Inc.
9730 E. Hibiscus Street Unit C
Miami, FL 33156

Report Printed: 05/02/12
Submission # 1204000688
Order # 14935

Project: Liberty Gas
Site Location: 715 Opalocka Blvd, Opalocka, FL
Matrix: Water

Sample I.D.: MW-NE
Collected: 04/25/12 14:30
Received: 04/25/12 15:25
Collected by: Scott Liddle

LABORATORY ANALYSIS REPORT

PARAMETER	RESULT	QC	UNITS	MDL	PQL	METHOD	DATE EXT.	DATE ANALY.	ANALYST
FL-PRO (Petroleum Residual Organic Totals)-WATER				Dilution Factor =10					
TOTAL PRO (C8-C40)	35.4		mg/L	0.70	2.10	FL-PRO	04/27 14:50	04/28 14:50	AC
8260B VOA Compounds in Water by GC/MS				Dilution Factor =250					
1,2-Dichlorobenzene	U	U	ug/L	75.00	225.00	5030/8260B	04/30 17:09	04/30 17:09	MAZ
1,3-Dichlorobenzene	U	U	ug/L	97.50	292.50	5030/8260B	04/30 17:09	04/30 17:09	MAZ
1,4-Dichlorobenzene	U	U	ug/L	97.50	292.50	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Benzene	14700		ug/L	35.35	106.05	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Chlorobenzene	U	U	ug/L	85.00	255.00	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Ethylbenzene	12800		ug/L	105.00	315.00	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Methyl-tert-butyl-ether	U	U	ug/L	137.48	412.44	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Toluene	90100		ug/L	77.50	232.50	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Xylene, m & p	48600		ug/L	200.00	600.00	5030/8260B	04/30 17:09	04/30 17:09	MAZ
Xylene, ortho	21100		ug/L	80.00	240.00	5030/8260B	04/30 17:09	04/30 17:09	MAZ

Unless indicated, soil results are reported based on actual (wet) weight basis.

Analytes not currently NELAC certified denoted by ~.
Work performed by outside (subcontract) labs denoted by Cert.ID in Analyst Field.
Results relate only to this sample.
QC=Qualifier Codes as defined by DEP 62-160
U=Analyzed for but not detected.
Q=Sample held beyond accepted holding time.
I=Value is between MDL and PQL.
J=Estimated value.

Authorized CSM Signature (954) 978-6400
Florida-Spectrum Environmental Services,Inc.
Certification # E86006

All NELAP certified analyses are performed in accordance with Chapter 64E-1 Florida Administrative Code, which has been determined to be equivalent to NELAC standards. Analyses certified by programs other than NELAP are designated with a "~".

Report To:
James T. Miller, P.E.
Hydrologic Associates USA Inc.
9730 E. Hibiscus Street Unit C
Miami, FL 33156

Report Printed: 05/02/12
Submission # 1204000688
Order # 14936

Project: Liberty Gas
Site Location: 715 Opalocka Blvd, Opalocka, FL
Matrix: Water

Sample I.D.: MW-SW
Collected: 04/25/12 14:45
Received: 04/25/12 15:25
Collected by: Scott Liddle

LABORATORY ANALYSIS REPORT

PARAMETER	RESULT	QC	UNITS	MDL	PQL	METHOD	DATE EXT.	DATE ANALY.	ANALYST
FL-PRO (Petroleum Residual Organic Totals)-WATER				Dilution Factor =10					
TOTAL PRO (C8-C40)	51.7		mg/L	0.70	2.10	FL-PRO	04/27 14:51	04/28 14:51	AC
8260B VOA Compounds in Water by GC/MS				Dilution Factor =1000					
1,2-Dichlorobenzene	U	U	ug/L	300.00	900.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
1,3-Dichlorobenzene	U	U	ug/L	390.00	1170.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
1,4-Dichlorobenzene	U	U	ug/L	390.00	1170.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Benzene	17300		ug/L	141.40	424.20	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Chlorobenzene	U	U	ug/L	340.00	1020.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Ethylbenzene	6960		ug/L	420.00	1260.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Methyl-tert-butyl-ether	U	U	ug/L	549.90	1649.70	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Toluene	57300		ug/L	310.00	930.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Xylene, m & p	29500		ug/L	800.00	2400.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ
Xylene, ortho	11700		ug/L	320.00	960.00	5030/8260B	04/30 17:30	04/30 17:33	MAZ

Unless indicated, soil results are reported based on actual (wet) weight basis.

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Authorized CSM Signature (954) 973-6400
Florida-Spectrum Environmental Services,Inc.
Certification # E86006