

Memorandum



Date: May 23, 2013

To: Honorable Bruno Barreiro
Board of County Commissioners - District 5

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination in District 5

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 (RER-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 May 13, 2013 due to documented soil and/or groundwater contamination. The site is in an area receiving public water service from the City of Miami Beach; 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: | 3201 Hotel LLC. |
| RER File#: | File #24688/UT #6866 |
| Facility Address: | 3201 Collins Ave., Miami Beach, Miami-Dade County, Florida |
| Folio Number: | 02-3226-001-1390 |
| 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 RER-DERM 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-DERM



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

May 13, 2013

miamidade.gov

Sergio Jalife, Manager
3201 Hotel LLC.
3201 Collins Avenue
Miami Beach, FL 33140

CERTIFIED MAIL No. 7010 1870 0000 2683 1002
RETURN RECEIPT REQUESTED

RE: 3201 Hotel LLC. facility (UT-6866/File-24688/DEP Facility ID #13/9811004), located at, near, or in the vicinity of 3201 Collins Avenue, Miami Beach, Miami-Dade County, Florida for the May 2, 2013 discharge (Folio #02-3226-001-1390).

Dear Mr. Jalife:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On May 8, 2013, the Department of Regulatory & Economic Resources (RER) received a discharge reporting form and analytical results from Langan Engineering & Environmental Services, which revealed hydrocarbon contamination in the ground and 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 Chapter 24 of the Code of Miami-Dade County, 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, if applicable.
3. Within sixty (60) days of completion of free product removal and proper disposal, soil treatment or proper soil disposal, two copies of a Source Removal Report, as outlined in Chapter 62-770.300(3), shall be submitted to Wilbur Mayorga, P.E., Chief, Environmental Monitoring & Restoration Division, Miami-Dade County Department of RER, 701 NW 1st Ct, 4th floor, Miami, FL 33136, as applicable.

Delivering Excellence Every Day

Mr. Jalife

UT-6866/File-24688

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4. 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 Department of RER, 701 NW 1st Ct, 4th floor, Miami, FL 33136.
5. 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.
6. 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.
7. 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 **Tricia Kong** of the Environmental Evaluations Section of this office at (305) 372-6600.

Sincerely,



Mayra Flagler, Manager

Environmental Evaluations – Delegated Programs

Enclosure(s)

TK

cc: FDEP File Copy

Kevin Slapp (RER-ERM)

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): 139811004 2. Date of form completion: 5/8/13

3. General information

Facility name: 3201 Hotel, LLC
Facility Owner or Operator: Same
Facility Contact Person Eduardo Bobillo Telephone number: () 305-535-3009 County: Miami-Dade
Facility Mailing address: 3201 Collins Avenue, Miami, Florida 33140
Location of discharge (facility street address): Same
Latitude and Longitude of discharge (If known.) _____

4. Date of receipt of test results or discovery of confirmed discharge: 5/2/13 month/day/year 5. Estimated number of gallons discharged: Unknown

6. Discharge affected: Air Soil 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 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
 Gasoline Aviation gas Diesel Kerosene 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
 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
 Other Unknown

11. Actions taken in response to the discharge: Petroleum impacts identified in soil and groundwater (free product). Ceased dewatering; dug test pits to investigate extent of free product; collected soil and groundwater samples; conducting source removal of soil and free product. Upon completion of source removal, 3201 Hotel LLC will prepare and submit a Source Removal Report to Miami-Dade RER.

12. Comments: The petroleum impacts appear to be near the area from which a heating oil tank was removed in 2009. The area was subsequently assessed, a source removal was conducted, and FDEP issued an SRCO in December 2010.

13. Agencies notified (as applicable):

State Warning Point 1-800-320-0519 National Response Center 1-800-424-8802 Fire Department. _____ County Tanks Program Miami-Dade RER DEP (district/person) _____

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

Daniel Spector, Langan Engineering and Environmental Services, Authorized Representative

Printed Name of Owner, Operator or Authorized Representative

Signature of Owner, Operator or Authorized Representative.