

Memorandum



Date: August 30, 2013

To: Honorable Dennis C. Moss
Board of County Commissioners - District 9

From: Carlos A. Gimenez
Mayor

Subject: Notice of Environmental Contamination District 9

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 (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 August 19, 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:	Southland Petroleum LLC.
RER File#:	File #19429 / UT #6302 / FDEP Fac. ID #139806129
Facility Address:	21627 S. Dixie Hwy., Miami, Miami-Dade County, Florida
Folio Number:	30-6913-023-0010
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, Director of DERM at (305) 372-6754 or by email at HeftyL@miamidade.gov.

Attachment: Site Rehabilitation Order for Environmental Contamination

cc: Jack Osterholt, Deputy Mayor/Director – Department of Regulatory and Economic Resources
Lee N. Hefty, 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

August 19, 2013

Tomas Pequeno, Managing member
Southland Petroleum, LLC.
2401 NW 30th Avenue
Miami, FL 33142

CERTIFIED MAIL No. 7008 1830 0002 8168 5768
RETURN RECEIPT REQUESTED

RE: Southland Petroleum LLC. (UT-6302/File-19429/DEP Facility ID #13/9806129), located at, near, or in the vicinity of 21627 S. Dixie Hwy., Miami, Miami-Dade County, Florida for the July 31, 2013 discharge (Folio #30-6913-023-0010).

Dear Mr. Pequeno:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On July 31, 2013, an inspector from the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) conducted an inspection at the above referenced facility and discovered hydrocarbon contamination in the groundwater of Miami-Dade County. A copy of the analytical results is attached.

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) 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 DERM within three (3) days of testing. The results may be emailed to Tricia Kong at kongt@miamidade.gov or faxed to her attention at (305) 372-6957.
3. 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.

Delivering Excellence Every Day

Mr. Pequeno

UT-6302/File-19429

FDEP Fac. ID #13/9806129

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4. If source removal, pursuant to the provisions of Chapter 62-780.500, Florida Administrative Code (F.A.C.) is conducted, 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 subsection 62-780.500(7), F.A.C. shall be submitted to Wilbur Mayorga, P.E., Chief, Environmental Monitoring & Restoration Division, Miami-Dade County DERM, 701 NW 1st Ct, 4th floor, Miami, FL 33136, as applicable.
5. Within thirty (30) days of receipt of this NOTICE, conduct soil investigation, in accordance with the provisions of Chapter 62-780, F.A.C., to establish the degree and extent of contamination. Based on the current land use, assessment of open ground areas shall include an evaluation the 0-6 inch interval, separate from the remainder of the unsaturated zone. Within sixty (60) days of receipt of this NOTICE, submit to two signed and sealed copies of a report including the results of the soil investigation to Wilbur Mayorga, P.E., Chief, Environmental Monitoring & Restoration Division, Miami-Dade County DERM, 701 NW 1st Ct, 4th floor, Miami, FL 33136.
6. Within two hundred seventy (270) days of receipt of this NOTICE, submit two signed and sealed copies of a "Site Assessment Report" (SAR) which meets the criteria of Chapter 62-780, 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 DERM, 701 NW 1st Ct, 4th floor, Miami, FL 33136.
7. For sites requiring active remediation, within ninety (90) days of receipt of approval from DERM for the SAR, submit two copies of a Remedial Action Plan (RAP) prepared in accordance with Chapter 62-780, F.A.C.
8. 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.
9. Submit activity reports which describe the progress of the active remediation or monitoring activities at a frequency approved in the RAP or MOP.

FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DERM 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 THE CODE OF MIAMI-DADE COUNTY.

Any person aggrieved by any action or decision of the DERM 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 DERM within fifteen (15) days of the date of the action or decision by DERM.

Mr. Pequeno
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FDEP Fac. ID #13/9806129
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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,

A handwritten signature in black ink that reads "Mayra Flagler". The signature is written in a cursive, flowing style.

Mayra Flagler, Manager
Environmental Evaluations – Delegated Programs

Enclosure(s)
TK

cc: FDEP File Copy
Kevin Slapp (DERM)
File



Discharge Report Form

PLEASE PRINT OR TYPE

DEP Form # <u>62-761.000(1)</u>
Form Title <u>Discharge Report Form</u>
Effective Date: <u>July 13, 1998</u>

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

1. Facility ID Number (if registered): 9806129 Date of form completion: 7/31/13

3. General information

Facility name or responsible party (if applicable): SOUTHLAND PETROLEUM LLC
 Facility Owner or Operator, or Discharger: THOMAS PEQUENO
 Contact Person: SAME Telephone Number: (361) 248-3118 County: DADE
 Facility or Discharger Mailing Address: 21627 S DIXIE HWY 33170
 Location of Discharge (street address): SAME AS ABOVE
 Latitude and Longitude of Discharge (if known): NA

4. Date of receipt of test results or discovery of confirmed discharge: NA month/day/year

5. Estimated number of gallons discharged: 10

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 type="checkbox"/> Monitoring wells	<input type="checkbox"/> Soil analytical tests or samples
<input type="checkbox"/> Pressure test	<input type="checkbox"/> Automatic tank gauging	<input checked="" 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 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 checked="" type="checkbox"/> Diesel	<input type="checkbox"/> Kerosene	<input type="checkbox"/> 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. 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 type="checkbox"/> Unknown	<input type="checkbox"/> Valve failure	<input type="checkbox"/> Other Vessel	<input type="checkbox"/> Tank truck	<input type="checkbox"/> Drum

Other OVER FILL PIPE

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 checked="" type="checkbox"/> Overfill	<input type="checkbox"/> Human error	<input type="checkbox"/> Vehicle Accident	<input type="checkbox"/> Installation failure

Other _____

11. Actions taken in response to the discharge: REIZ WILL SAMPLE WELL TO CONFIRM DISCHARGE.

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 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.

THOMAS PEQUENO
Printed Name of Owner, Operator or Authorized Representative, or Discharger

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

ANALYTICAL RESULTS

Project: 1461-E
Pace Project No.: 35102638

Sample: AC04481 293386 Lab ID: 35102638001 Collected: 07/31/13 11:05 Received: 08/01/13 18:15 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
FL-PRO Water									
Analytical Method: FL-PRO Preparation Method: EPA 3510									
Petroleum Range Organics <i>Surrogates</i>	162 mg/L		5.2	3.1	50	08/03/13 02:00	08/07/13 10:48		
o-Terphenyl (S)	176 %		82-142		50	08/03/13 02:00	08/07/13 10:48	84-15-1	S4
N-Pentatriacontane (S)	85 %		42-159		50	08/03/13 02:00	08/07/13 10:48	630-07-09	

REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,
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Florida Department of Environmental Protection
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-

Division of Waste Management
Bureau of Petroleum Storage Systems

Storage Tank Facility Discharge Site Inspection Report

Facility Information:

Facility ID:	9806129	County:	MIAMI-DADE	Inspection Date:	07/31/2013
Facility Type:	A -Retail Station				
Facility Name:	SOUTHLAND PETROLEUM LLC	# Of Inspected ASTs:	0		
	21627 S DIXIE HWY	USTs:	3		
	MIAMI, FL 33170	Mineral Acid Tanks:	0		
Latitude:	25° 33' 56.6433"				
Longitude:	80° 22' 54.1048"				
LL Method:	DGPS				

Inspection Result:

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

Financial Responsibility Over Due
Financial Responsibility: INSURANCE
Insurance Carrier: ZURICH-AMERICAN
Effective Date: 11/15/2011 Expiration Date: 11/15/2012

Signatures:

TKDERM - MIAMI - DADE DEPT OF ENVIRONMENTAL RESOURCE MGMT

Storage Tank Program Office

(305) 372-6700

Storage Tank Program Office Phone Number

BODLER X BARTHELEMY
INSPECTOR NAME

INSPECTOR SIGNATURE

Thomas Pequeno
REPRESENTATIVE NAME

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

System Tests

Type	Date Completed	Results	Reviewed	Next Due Date	Comment
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Completed Tests

Annual Inline Leak Detector Test	05/01/2012	Passed	05/11/2012	05/11/2013	Test performed by PSR
Annual Operability Test	05/01/2012	Passed	05/11/2012	05/01/2013	Test performed by PSR
Line Tightness Test	05/01/2012	Passed	05/11/2012	05/01/2012	Test performed by PSR
Tank Tightness Test	05/01/2012	Passed	05/11/2012	05/01/2017	Test performed by PSR

New Violations

Type: Violation
 Significance: Minor
 Rule: 62-761.400(1)(b), 62-761.400(1)(a)
 Violation Text: Systems not registered.
 Explanation: The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).
 Corrective Action: Register the new 30,000 gallon underground storage tank.

Type: Violation
 Significance: 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 floating product (1 cm) was observed in two monitoring wells located north of the dispenser 9/10 (E85) and east of the new tank farm.
 Corrective Action: Begin free product recovery in both wells.

Type: Violation
 Significance: SNC-B
 Rule: 62-761.400(3)(a)1.
 Violation Text: No financial responsibility.
 Explanation: Proof of Financial responsibility was not available for inspection.
 Corrective Action: Provide proof of financial responsibility

Type: Violation
 Significance: Minor

Rule: 62-761.700(1)(c)3.
Violation Text: Release detection devices not tested annually.
Explanation: Annual operability test of release detection device (Veeder Root) is due
Corrective Action: All release detection devices shall be tested annually to ensure proper operation. The test shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed.

Type: Violation
Significance: Minor
Rule: 62-761.500(1)(d)5.
Violation Text: Failure to allow for/perform a breach of integrity test.
Explanation: Storage tank system equipment with closed interstitial spaces, such as double-walled USTs and double-walled integral piping in contact with the soil that is connected to UST perform a breach of integrity test for the storage tank system.
Corrective Action: Perform a breach of integrity test for the USTs and the product piping.

Type: Violation
Significance: Minor
Rule: 62-761.640(4)(a)4., 62-761.640(4)(a)3., 62-761.640(4)(a)2., 62-761.640(4)(a)1.
Violation Text: UST line leak detector cannot detect a 3.0 gph discharge; not tested annually.
Explanation: Annual test of the electronic leak detector is due.
Corrective Action: Have an annual test of the operation of the leak detector conducted in accordance with the manufacturer's requirements by an individual certified or trained by the manufacturer to determine whether the device is functioning as designed.

Inspection Comments

07/31/2013

On site to conduct a discharge inspection and to collect a sample from the monitoring well which had free product during a final installation inspection of the newly installed 30,000 gallon compartmented, fiber-clad steel underground storage tank (UST) at the facility.

The Discharge Reporting Form (DRF) was received on site today from the owner, Mr. Thomas Pequeno, (305-409-6000). The facility also has one 8,000 gallon and two 12,000 gallon double-walled fiber-clad steel USTs.

The registration information was verified and a new registration form is required with the updated tank information.

The State registration placard was current and properly posted on site.

Proof of financial responsibility was not on site.

Electronic release detection is monitored through a Veeder Root TLS-550 but it was not operational at the time of the inspection.

There are a total of 11 dispensers on site. The dispenser liners were dry and the shear valves

Inspection Comments

appeared to be properly braced.

Fill port & vapor recovery lids were properly color-coded. Fill port & vapor recovery watertight caps contained gaskets and had tight seals. Fill port & vapor recovery spill containment buckets were dry.

All the STP sumps were dry and contain mechanical line leak detectors. The piping boots were pulled back for release detection and the sensors were correctly positioned below piping.

Twenty (20) monitoring wells were checked for contamination. Two monitoring wells, located North and South of dispenser 9/10, contained approximately one centimeter (1 cm) of free floating product. A sample was collected from the monitoring well located north of dispenser 9/10 to be analyzed for TRPH via FL-PRO (card # 293386). All monitoring well concrete pads and lids were intact and properly color coded. All monitoring wells had watertight caps with locks. The collars/risers were at least 1 inch above the surface and the containment appeared to be properly grouted. The DTW/DTB was measured and the water column levels were determined adequate for release detection meeting the 3 ft requirement.

A site diagram was drawn and pictures were taken.

A copy of this report will be mailed to Mr. Thomas Pequeno at hgenriquez@aol.com.

Inspection Photos

Added Date 07/31/2013

Overview of the New Tank Farm



Added Date 07/31/2013

Overview of the Existing Tank Farm



Added Date 07/31/2013

Monitoring Well with Free Floating Product



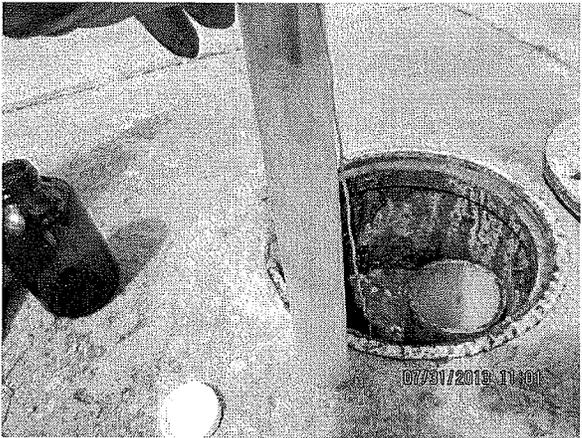
Added Date 07/31/2013

Monitoring Well with Free Floating Product



Added Date 07/31/2013

Odor/Free Floating Product Observed in the Bailer



Added Date 07/31/2013

Odor/Free Floating Product Observed in the Bailer



Added Date 07/31/2013

Odor/Free Floating Product Observed in the Bailer



Added Date 07/31/2013

Sample Taken and Preserved



Added Date 07/31/2013

Sample Taken and Preserved

