Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2013

To: Honorable Xavier L. Suarez
Board of County Commissioners-District 7

From: Carlos A. Gimenez
Mayor

Subject: Notice of Environmental Contamination in Commission District 7

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, 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 property is fenced and guidance has been provided to the responsible party on preventing direct exposure to contamination. Additionally, the site is on municipal water; therefore, their drinking water is not at risk from the groundwater contamination.

The summary of this case is noted below:

Subject	Environmental Contamination
Facility Name:	Foundation Investments LTD Property
DERM File #:	HWR-763
Facility Address:	3500 St Gaudens Road, Coconut Grove, Florida in Miami-Dade County
Folio Number:	01-4128-004-0090
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 Hefty, Assistant Director of Environmental Resources Management - RER at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment: Site Rehabilitation Order for Environmental Contamination

c: Jack Osterholt, Deputy Mayor
Lee Hefty, Assistant Director, Environmental Resources Management - RER

MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6700 F 305-372-6982
miamidade.gov

August 19, 2013

CERTIFIED MAIL NO. 7011 0470 0002 4385 7805
RETURN RECEIPT REQUESTED

Michael Bander
c/o Bander & Associates, P.A. for
Registered Agent Services Co. as Agent for
Foundation Investments LTD
444 Brickell Avenue, Suite 300
Miami, FL 33131

Re: Phase 1 Environmental Site Assessment report (Phase 1) dated April 5, 2013, Phase 2 Environmental Site Assessment report (Phase 2) dated April 30, 2013, Report of Subsurface Soil Exploration Geotechnical Evaluation and Recommendation report (Geotech) dated March 2013, and Resampling Results report dated July 25, 2013 and prepared by EE&G Environmental Services and Nelco Testing and Engineering for the residential property (HWR-763) located at, near, or in the vicinity of 3500 St Gaudens Road, Miami, Miami-Dade County, Florida.

Dear Mr. Bander:

The Department of Regulatory and Economic Resources (RER) has reviewed the above-referenced documents received July 8, 2013 and July 26, 2013. The following comments are provided based on a review of the report and as a result of discussions held during a July 26, 2013 meeting:

1. Provide the soil lithology logs for the April and July 2013 soil samples. A detailed description of the material identified to include percentages of material (i.e. glass, metal, etc.) relative to native or sand fill material shall be provided. In addition, provide the surveyed sampling points for those soil borings/monitoring wells installed to the northeast of the residential property line in relation to the parcel lines (i.e. St Gaudens Road, residential property to northeast, etc.)

2. Although supplemental tables, aerial photographs, and site diagrams were provided under a separate email submittal received on July 18, 2013, please update the Phase 1 and Phase 2 reports so that they are complete documents that include the revised information specified above, including the lithology logs.

3. Provide a cross-section view beginning from the northwest portion of the site to the southeast portion of the site ending at the boat basin landmass abutting the bay. The cross-section should depict the various depth intervals and layers that the debris was encountered. Include the water table elevation.

4. Additional assessment is required:

   - Install one soil boring northeast of SB-E on the northeast side of St. Gaudens Road (but still within the road parcel line and prior to wetland habitat). Obtain lithology logs

this information, RER will advise you of the options to address this issue. This may include the requirement to conduct a tank closure assessment under the guidelines of Chapter 24, Code of Miami Dade County for any tanks that will remain out of service. As discussed above, any contamination that may be identified as a result of the USTs may also be addressed utilizing the same options.

Be advised that the levels of groundwater and/or soil analytical results submitted in this report constitute violations of Chapter 24, Code of Miami-Dade County (the Code), specifically, Sections 24-44, 24-27, 24-28, and 24-29 of the Code.

Based on the above, and pursuant to Sections 24-7(15), 24-7(26), and 24-44(2)(g) of the Code, you are hereby ordered to submit to this office for review, within sixty (60) days of receipt of this letter, a Site Assessment Report (SAR) prepared in accordance with Section 24-44(2)(j)(iv) of the Code and addressing the above comments. Specific guidance for the preparation of the SAR may be downloaded from RER's web page at: http://www.miamidade.gov/environment/pollution-remediation.asp

Be advised that failure to comply with above orders may result in this case being prepared for formal enforcement action in a court of competent jurisdiction for appropriate legal action under the enforcement provisions of Chapter 24 of the Code of Miami-Dade County, Florida.

If you have any questions concerning the above, please contact Thomas Kux, P.G., (kuxt@miamidade.gov) of the Environmental Assessment Section at (305) 372-6700.

Sincerely,

Wilbur Mayorga, P.E., Chief
Environmental Monitoring & Restoration Division

TK
pc: Kerri Barsh, Greenberg Traurig, BarshK@gtlaw.com
John McNally, Esq., john@mcnallylawpa.com
Craig Clevenger, P.G., EE&G, cclevenger@eeandg.com