

Memorandum



Date: March 25, 2014

To: Honorable Barbara J. Jordan
Board of County Commissioners-District 1

From: Carlos A. Gimenez 
Mayor

Subject: Notice of Environmental Contamination in Commission District 1

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 March 17, 2014 due to documented soil and/or groundwater contamination. There is no risk of 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 a 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.

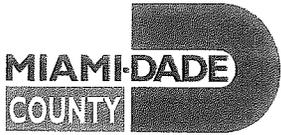
The summary of this case is noted below:

Subject	Environmental Contamination
Facility Name:	Raceway #6952
DERM File #:	UT-7080 / 9813970
Facility Address:	19851 NW 57 Avenue, Opa Locka, Miami-Dade County, FL
Folio Number:	30-2106-038-0010
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, Division of Environmental Resources Management, Department of Regulatory and Economic Resources at (305) 372-6754 or by email at hefty@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 - Division Environmental Resources Management - RER



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

March 14, 2014

Mr. Ed Massel, President
E.L.M. Developers, Inc.
176 Corbin Park Road
New Smyrna Beach, FL 32168

CERTIFIED MAIL No. 7005 1160 0000 2603 3411
RETURN RECEIPT REQUESTED

RE: Raceway #6952 facility (UT-7080/DEP Facility ID #13/9813970), located at, near, or in the vicinity of 19851
NW 57th Avenue, Opa Locka, Miami, Miami-Dade County, Florida for the February 18, 2014 discharge (Folio
#30-2106-038-0010).

Dear Mr. Massel:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On February 26, 2014, the Department of Regulatory & Economic Resources, Division of Environmental Resources
Management (DERM) received a Discharge Reporting Form for the above referenced site. In addition, analytical results
from a sample obtained by the Department on February 20, 2014 (results attached), confirmed the presence of
hydrocarbon contamination in the ground and/or groundwater of Miami-Dade County at the referenced facility.

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. Within twenty-four (24) hours of receipt of this NOTICE, commence emergency response, including but not
limited to free product removal, or interim source removal, as applicable, in accordance with Chapter 62-780.500,
Florida Administrative Code (F.A.C.).

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3. If emergency response action or interim source removal is conducted, pursuant to the provisions of Chapter 62-780.500, F.A.C., then two copies of the appropriate report 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, within the specified timeframes as per Table A of Chapter 62-780, F.A.C.
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 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.

Mr. Massel
UT-7080
FDEP Fac. ID #13/9813970
March 17, 2014
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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.

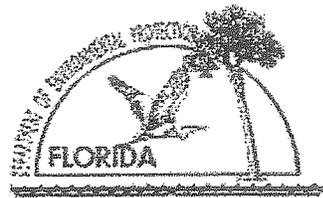
If you have any questions concerning this matter, please contact **Ana Chirino** of the Environmental Evaluations Section of this office at (305) 372-6600.

Sincerely,



Mayra Flagler, Manager
Environmental Evaluations – Delegated Programs

Enclosure(s)
cc: Lisa Ciotoli [lciotoli@racetrac.com]
cc: FDEP Oculus File Copy
Kevin Slapp (DERM)
File



Discharge Report Form

PLEASE PRINT OR TYPE

DEP Form # 62-761 (02/91)

Form Title: Discharge Report Form

Effective Date: _____

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

1. Facility ID Number (if registered):

9813970

2. Date of form completion:

2-26-14

3. General information

Facility name or responsible party (if applicable):

Raceway #6952

Facility Owner or Operator, or Discharger:

Racetrac Petroleum Inc.

Contact Person:

Lisa Ciotali

Telephone Number: _____

County: _____

Facility or Discharger Mailing Address:

3225 Cumberland Blvd, suite 100 Atlanta, GA

Location of Discharge (street address):

19851 NW. 57th Ave OPA LOCKA, FL 33055

Latitude and Longitude of Discharge (if known): _____

4. Date of receipt of test results or

discovery of confirmed discharge:

2-18-14

month/day/year

5. Estimated number of gallons discharged: _____

6. Discharge affected:

Air

Soil

Groundwater

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. Source of Discharge: (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 found in monitoring wells

11. Actions taken in response to the discharge:

Product was found in the monitoring well located next to dispensers

17+18 And 19+20.

12. Comments:

Bailed out (2) monitoring well - Resolved -

13. Agencies notified (as applicable):

State Warning Point

National Response Center

Florida Marine Patrol

Fire Department

DEP (district/person)

1-800-320-0519

1-800-424-8802

(800) 342-5367

County Tanks Program

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

MAX McBrayer Jr.

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

Signature of Owner, Operator or Authorized Representative, or Discharger

ANALYTICAL RESULTS

Project: 1957-E
Pace Project No.: 35127339

Sample: AC15774 295768 Lab ID: 35127339001 Collected: 02/20/14 10:00 Received: 02/21/14 16:25 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>	10.2	mg/L	0.10	0.060	1	02/26/14 00:30	02/26/14 22:06		
o-Terphenyl (S)	134	%	82-142		1	02/26/14 00:30	02/26/14 22:06	84-15-1	
N-Pentatriacontane (S)	130	%	42-159		1	02/26/14 00:30	02/26/14 22:06	630-07-09	

REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,
without the written consent of Pace Analytical Services, Inc..



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: 9813970 County: MIAMI-DADE Inspection Date: 02/20/2014
Facility Type: A -Retail Station
Facility Name: RACEWAY #6952 # Of Inspected ASTs: 0
19851 NW 57TH AVE USTs: 3
OPA LOCKA, FL 33055 Mineral Acid Tanks: 0
Latitude: 25° 57' 11.4623"
Longitude: 80° 17' 38.7669"
LL Method: DPHO

Inspection Result:

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

Financial Responsibility

Financial Responsibility: SELF-INSURANCE - LETTER FROM CHIEF FINANCIAL OFFICER
Effective Date: 01/22/2014 Expiration Date: 01/22/2015

Signatures:

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

Storage Tank Program Office

(305) 372-6807

Storage Tank Program Office Phone Number

Christopher S Runte
INSPECTOR NAME

Ismael Chavez
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

System Tests

Type	Date Completed	Results	Reviewed	Next Due Date	Comment
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Completed Tests

Annual Inline Leak Detector Test	02/14/2014	Passed	02/20/2014	02/14/2015	Crompco
Annual Operability Test	02/14/2014	Passed	02/20/2014	02/14/2015	Crompco
Line Tightness Test	02/14/2014	Passed	02/20/2014	02/20/2014	Crompco
Tank Tightness Test	02/14/2014	Passed	02/20/2014	02/20/2014	Crompco

New 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:	Begin free product recovery.

Inspection Comments

02/20/2014

Onsite with the contractor Mr. Ismael Chavez, owner of Ismaels Petroleum, LLC telephone number (813) 333-8033 and PCC # 1256857 for a discharge inspection. During the final release detection inspection conducted on 02/18/2014 FFP was found in two different monitoring wells (MW) 9 and 10 (see attached site diagram). The wells are located next dispensers 17/18 and 19/20. A groundwater sample was taken from MW # 9 next to dispenser 19/20, to be analyzed for FLPRO Blue card #295768. A Discharge Reporting Form DRF needs to be submitted to the department within 24 hours. Cleanup needs to be conducted as per Chapter 62-780, F.A.C.

Electronic release detection is monitored through the Veeder-root TLS-350. All functions were normal at the time of the inspection. The liquid status report was conducted. The veeder-root monitors all dispenser liners, STP and transition sumps, fuel level and annular spaces of the USTs.

There are a total of 10 dispensers on site. The dispenser liners were dry and the shear valves 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 and transition were dry and contain electrical line leak detectors. The piping boots were pulled back for release detection and the sensors were correctly positioned below piping.

Inspection Comments

There were a total of 15 monitoring wells on site.

All monitoring well concrete pads and lids were intact and properly color coded.

All monitoring well watertight caps were locked or properly secured and contain gasket.

All monitoring well collars/risers were at least 1 inch above the surface and the containment appears to be properly grouted.

PLEASE NOTE FFP WAS FOUND IN MONITORING WELLS 9 AND TEN (SEE SITE DIAGRAM) THE WELLS ARE LOCATED NEXT TO DISPENSERS 17/18 AND 19/20. A FLO PRO SAMPLE WAS TAKEN FROM MW#9. A DISCHARGE INSPECTION WAS CONDUCTED. A DRF FORM NEEDS TO BE SUBMITTED TO RER-DERM.

For the rest of the wells no visual evidence of free floating product or sheen observed, as well as no odors were detected during the inspection in all monitoring wells.

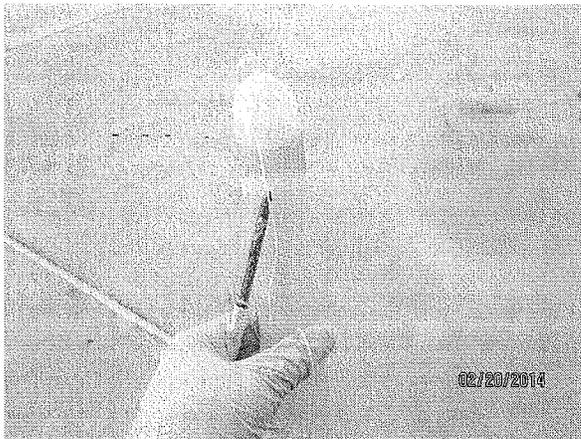
All monitoring wells DTW/DTB was measured on 02/14/2014. On that date water column levels were determined adequate for release detection meeting the 3 ft requirement.

A site diagram was drawn and pictures were taken.

Inspection Photos

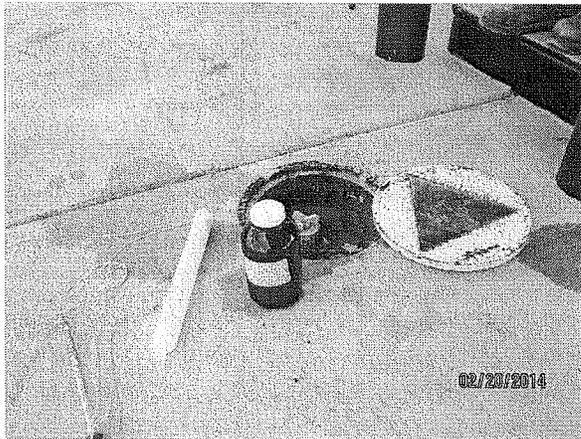
Added Date 02/20/2014

Bailer with FFP. next to MW#9.



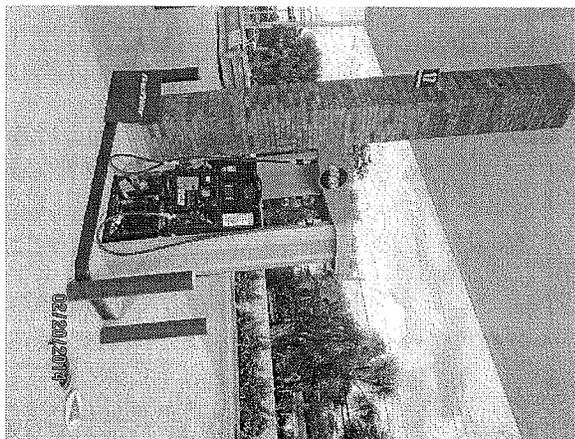
Added Date 02/20/2014

Sample collected.



Added Date 02/20/2014

Dispenser 19/20.



Added Date 02/20/2014

Sample point.

