

Memorandum



Date: November 3, 2014

To: Honorable Lynda Bell
County Commissioner
District 8

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination in Commission District 8

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 of that District where the environmental contamination is located shall be notified of such.

Pursuant to R-227-09, the attached Notice of Violation (NOV) is forwarded to your attention. The NOV requires 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:	Pingree 2000 Real Estate Holding LLC
DERM File #:	HWR 804
Facility Address:	17750 S Dixie Highway
Folio Number:	30-5032-004-2250
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, Environmental Resources Management, Department of Regulatory and Economic Resources (RER) at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment: Site Rehabilitation Order for Environmental Contamination

c: Jack Osterholt, Deputy Mayor/Director, RER
Lourdes Gomez, Deputy Director, Environmental Resources Management, RER
Lee Hefty, Assistant Director, Environmental Resources Management, RER



Carlos A. Gimenez, Mayor

October 17, 2014

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

Pingree 2000 Real Estate Holdings LLC – Property Owner
C/o CT Corporation System – Registered Agent
1200 South Pine Island Road
Plantation, Florida 33324

Certified Mail # 7013 2630 0001 8379 0257
Return Receipt Requested

SCP Distributors LLC
C/o Corporation Service Company – Registered Agent
1201 Hays Street
Tallahassee, Florida 32301-2525

Certified Mail # 7013 2630 0001 8379 0240
Return Receipt Requested

RE: Complaint response inspection of a property located at, near, or in the vicinity of 17750 S Dixie Highway, Unincorporated Miami-Dade County, Florida (Folio # 30-5032-004-2250). File ID # **HWR 804**.

**NOTICE OF VIOLATION
AND ORDERS FOR CORRECTIVE ACTION**

To whom this may concern:

Inspections conducted on August 5, 14, and 21, 2014 by representatives of this Department reveal evidence of industrial wastes, liquid wastes, hazardous materials, or other waste discharges to open ground at the referenced properties. Specifically, on August 5, the Department responded to a complaint about a release of approximately 2800 gallons of sodium hypochlorite via broken pipe. The inspection revealed that the broken pipe is part of an above ground tank farm (four tanks) used by the neighboring pool supply facility located at 9911 SW 176 Street property (operating permit # IW5 44). The spill affected the open ground area next to the tanks as well as the southern section of your property (17750 S Dixie Highway) where it abuts with the location of the neighboring tanks. On August 21, 2014, a DERM Inspector collected soil samples along the fence line of your property (17750 S Dixie Highway). Relevant analytical results (enclosed and available for review at <http://DERM.miamidade.gov>) show evidence of unauthorized discharges to the ground.

Based on the confirmed soil impacts from the reported (August 5, 2014) spill, the Department is issuing a Notice of Violation (NOV) to all responsible parties [Pingree 2000 Real Estate Holdings LLC, SCP Distributors LLC (facility operator/permittee) and Perrine 9911 Inc, (adjacent property owner)]. Although issued separately, both NOV's include but are not limited to an order for submittal of a Site Assessment Report (SAR) to address the sodium hypochlorite impact on both properties.

Be advised that the above findings constitute violations of the provisions of Chapter 24 of the Code of Miami-Dade County (MDC), Florida (the Code), specifically:

Section 24-27 of Chapter 24, which states in pertinent part: "No person shall cause, or allow to be caused, any nuisance or sanitary nuisance as defined in Sections 24-5 and 24-28 herein."

Section 24-29 of Chapter 24, inasmuch as it shall be unlawful for any person to violate any of the provisions of this chapter, any lawful rules and regulations promulgated under this chapter, any lawful order of the Director or the Director's designee, or any condition, limitation or restriction which is part of an operating permit.

Section 24-31(6), of Chapter 24, inasmuch as whenever a violation of this chapter occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial, or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has legal, beneficial, or equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation.

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Section 24-31(7) of Chapter 24, inasmuch as any person violating any provision of this chapter shall immediately correct the violation and restore the air, water, ground and property, including but not limited to animal, plant and aquatic life, affected by said violation in accordance with the provisions of this chapter.

Section 24-42(1), (2) and (3) of Chapter 24, inasmuch as it shall be unlawful for any person to throw, drain, run or to cause, permit or suffer to be thrown, run drained or allowed to seep or otherwise discharge into any of the waters of this county, any organic matter or inorganic matter or industrial wastes which shall breach the values set forth in Sections 24-42(2) and 24-42(4), or cause water pollution as herein defined;

Based on the above and pursuant to the authority granted to me under Sections 24-7(15) and 24-7(26) of Chapter 24 of the Code of Miami-Dade County, I am hereby ordering you to:

1. **Within ninety-days (90) of receipt of this Notice**, submit to this Department two copies of a "Site Assessment Report" (SAR), one paper and one electronic PDF on CD, which meet the objectives of Section 24-44 (2) of Chapter 24 of the Code of Miami-Dade County, including the identification and 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). Please refer to the following link to download guidance for the preparation of assessment and remediation documents: <http://www.miamidade.gov/environment/pollution-remediation.asp>. The SAR submittal shall be to the attention of Wilbur Mayorga, P.E., Chief, Environmental Monitoring and Restoration Division (EMRD) and shall include the appropriate SAR review fee (DERM online fee schedule located at <http://www.miamidade.gov/environment/environmental-fees.asp>).
2. Be advised that your consultant must **notify** the EMRD, in writing, a minimum of three (3) working days prior to the implementation of any sampling or field activities. E-mail notifications shall be directed to DERMPCD@miamidade.gov. The EMRD main number is (305) 372-6700.
3. For sites requiring active remediation, within ninety-days (90) of receipt of the approval letter from this Department for the SAR, submit two copies of a Remedial Action Plan (RAP), one paper and one electronic PDF on CD, prepared in accordance with Chapter 24 of the Code of Miami-Dade County.
4. Upon receipt of the approval letter from this Department, you shall implement said plans and submit all testing results and activity reports to the EMRD within the timeframes stipulated in the approval.
5. Submit activity reports that describe the progress of the active remediation or monitoring activities at a frequency approved in the RAP or MOP.

Based upon the results obtained above, the Department may require additional assessment and/or remediation.

For appropriate handling, include the subject permit and file numbers (**HWR 804**) referencing this facility on all submittals filed with this Department.

Please note that any request for an extension of time to submit the required reports and or plans may be charged a \$100 fee (pursuant to MDC DERM Fee Schedule located at <http://www.miamidade.gov/environment/environmental-fees.asp>). Therefore, please contact **Sonia Rosado** at (305) 372-6712 to determine if a compliance extension can be granted, and for instructions on how to submit the formal request and the fee.

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 this Department within fifteen-days (15) of the date of the action

or decision of this Department. For further information regarding the EQCB appeal application process, please contact Christine Velazquez at (305) 372- 6503.

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 SECTION 24-29 OF CHAPTER 24 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA.

If you have any questions concerning the above, please contact Sonia Rosado at (305)-372-6712 or via e-mail at rosads@miamidade.gov.

Sincerely,



Karl Markeset, Manager,
Local Programs Section, Pollution Regulation Division

KM/sir

Enclosure: Lab results (8/21/14)

Ec: Annette Niemiec, EPA Government Relations Coordinator - annette.niemiec@poolcorp.com

Cc: File

MIAMI-DADE COUNTY, FLORIDA

Department of Regulatory and Economic Resources



EPA # FL00025
FL CERT # E46126

LABORATORY ANALYSIS RECORD
ENFORCEMENT

Environmental Resources Management
Office of Laboratory Services
MIAMI, FLORIDA 33130-1510
(305)-375-1851



Site: SCP Distributors

299853

Address: 9911 SW 176 St Miami, FL 33157

Sample #: _____

Sampler/Section: Quintg / RER / PRD

Date: 8/21/14 Time: 12:18

Deliverer/Section: Quintg / RER / PRD

Collection Point: _____

Return Analysis to/Section: xiponk@miamidadecounty.gov

Soil sample behind tank #3

C.C.#: 995354 Permit: IWS-44 Phone: x6803

Observation/Known Hazards: _____

x6848

Sandy substrate / misc. debris

21 AUG 14 18:20

Clock-In Date/Inspector

Sign By Inspector

*Sign By Lab Custodian

*Laboratory ID #

*Temp. (°C) upon Rec.

Return For TCLP / SPLP?

Clock-In Date/Inspector

Date Requested

*Laboratory ID # / Fridge #

*Laboratory ID # / Fridge #

*Take-Out Date/ RER Lab

*Returned-Date/ RER Lab

*Take-Out Date/ RER Lab

*Returned-Date/ RER Lab

*Take-Out Date/ RER Lab

*Sample Disposal Date

*Extracted By / Date

*Analyzed By / Date

^Regulatory Limits: SDWA ___ NPDES ___ RCRA ___ Chap. 24 ___ Other ___

Matrix: H2O ___ Soil/Sludge Product ___ Layer ___ Sewage ___ Other ___

Preservation: None ___ Acid ___ Base ___ Thermal: Iced No Iced ___

Sample Bottle _____ Picked-Up Date _____

Prepared Lot #: _____ By Inspector: Quintg

Split Sample? Yes ___ No Consultant/Lab: _____

Test(s) Run/Method #	Test(s) Run/Method #
VOC'S (VOA + VOH)	

Relinquished To: **Contract Lab

Delivered By / Date: _____

Received By / Date: _____

Extracted By / Date: _____

Analyzed By / Date: _____

Returned By / Date: _____

Comments

* By RER Lab ** By Contract Lab ^ Please specify the regulatory limit range



Environmental Resources Management

Office of Laboratory Services

211 West Flagler Street

MIAMI, FLORIDA 33130-1510

(305)-375-1851

Work Order # 2487-E

WO#: 35152001



Reference : Bid No 796

Date: August 22, 2014

To: PACE ANALYTICAL
P.O. Box 810275
Boca Raton, FL 33481-0275
(561) 447-7373

From: Claudia Mancini, Chief Chemist
RER Laboratory
211 West Flagler Street
Miami, FL 33130

Authorized By: C. Mancini (Must be signed by Claudia Mancini)

LABORATORY ANALYSIS RECORD

Cost Code	Sample #	Collection Point	Matrix	Parameter	Method #	Price
If there are any discrepancies with COC and the work order, please contact the RER Lab at 305-375-1851.						
1.	995354	299853	SOIL	VOC	8260	\$56.00

PICKED UP BY : _____ Please submit ADaPT-qualified EDD

PACE LABS

[Handwritten signatures and date]
8/22/14
1752

ANALYTICAL RESULTS

Project: 2487-E
Pace Project No.: 35152001

Sample: AC28186 299853 Lab ID: 35152001001 Collected: 08/21/14 12:18 Received: 08/22/14 17:50 Matrix: Solid

Results reported on a "wet-weight" basis

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
8260 MSV 5030 Low Level		Analytical Method: EPA 8260							
Acetone	0.091	mg/kg	0.034	0.017	1		08/29/14 18:52	67-64-1	
Acetonitrile	0.042U	mg/kg	0.084	0.042	1		08/29/14 18:52	75-05-8	
Benzene	0.0043U	mg/kg	0.0084	0.0043	1		08/29/14 18:52	71-43-2	
Bromochloromethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	74-97-5	
Bromodichloromethane	0.0074 l	mg/kg	0.0084	0.0042	1		08/29/14 18:52	75-27-4	
Bromoform	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	75-25-2	
Bromomethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	74-83-9	
2-Butanone (MEK)	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	78-93-3	
Carbon disulfide	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	75-15-0	
Carbon tetrachloride	0.0066 l	mg/kg	0.0084	0.0042	1		08/29/14 18:52	56-23-5	
Chlorobenzene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	108-90-7	
Chloroethane	0.0061U	mg/kg	0.0084	0.0061	1		08/29/14 18:52	75-00-3	
Chloroform	0.82	mg/kg	0.0084	0.0050	1		08/29/14 18:52	67-66-3	L
Chloromethane	0.0047U	mg/kg	0.0084	0.0047	1		08/29/14 18:52	74-87-3	
1,2-Dibromo-3-chloropropane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	96-12-8	
Dibromochloromethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	124-48-1	
1,2-Dibromoethane (EDB)	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	106-93-4	
Dibromomethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	74-95-3	
1,2-Dichlorobenzene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	95-50-1	
1,4-Dichlorobenzene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	106-46-7	
trans-1,4-Dichloro-2-butene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	110-57-6	
1,1-Dichloroethane	0.0046U	mg/kg	0.0084	0.0046	1		08/29/14 18:52	75-34-3	
1,2-Dichloroethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	107-06-2	
1,2-Dichloroethane (Total)	0.0052U	mg/kg	0.0084	0.0052	1		08/29/14 18:52	540-59-0	
1,1-Dichloroethene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	75-35-4	
cis-1,2-Dichloroethene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	156-59-2	
trans-1,2-Dichloroethene	0.0052U	mg/kg	0.0084	0.0052	1		08/29/14 18:52	156-60-5	
1,2-Dichloropropane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	78-87-5	
cis-1,3-Dichloropropene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	10061-01-5	
trans-1,3-Dichloropropene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	10061-02-6	
Ethylbenzene	0.0048U	mg/kg	0.0084	0.0048	1		08/29/14 18:52	100-41-4	
2-Hexanone	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	591-78-6	
Iodomethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	74-88-4	
Isopropylbenzene (Cumene)	0.0049U	mg/kg	0.0084	0.0049	1		08/29/14 18:52	98-82-8	
Methylene Chloride	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	75-09-2	
4-Methyl-2-pentanone (MIBK)	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	108-10-1	
Methyl-tert-butyl ether	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	1634-04-4	
Styrene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	100-42-5	
1,1,1,2-Tetrachloroethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	630-20-6	
1,1,2,2-Tetrachloroethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	79-34-5	
Tetrachloroethene	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	127-18-4	
Toluene	0.0046U	mg/kg	0.0084	0.0046	1		08/29/14 18:52	108-88-3	
1,1,1-Trichloroethane	0.0046U	mg/kg	0.0084	0.0046	1		08/29/14 18:52	71-55-6	
1,1,2-Trichloroethane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	79-00-5	
Trichloroethene	0.0048U	mg/kg	0.0084	0.0048	1		08/29/14 18:52	79-01-6	

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: 2487-E
Pace Project No.: 35152001

Sample: AC28186 299853 Lab ID: 35152001001 Collected: 08/21/14 12:18 Received: 08/22/14 17:50 Matrix: Solid

Results reported on a "wet-weight" basis

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
8260 MSV 5030 Low Level		Analytical Method: EPA 8260							
Trichlorofluoromethane	0.0046U	mg/kg	0.0084	0.0046	1		08/29/14 18:52	75-69-4	
1,2,3-Trichloropropane	0.0042U	mg/kg	0.0084	0.0042	1		08/29/14 18:52	96-18-4	
Vinyl acetate	0.0043U	mg/kg	0.0084	0.0043	1		08/29/14 18:52	108-05-4	
Vinyl chloride	0.0045U	mg/kg	0.0084	0.0045	1		08/29/14 18:52	75-01-4	
Xylene (Total)	0.0087U	mg/kg	0.025	0.0087	1		08/29/14 18:52	1330-20-7	
m&p-Xylene	0.0087U	mg/kg	0.017	0.0087	1		08/29/14 18:52	179601-23-1	
o-Xylene	0.0044U	mg/kg	0.0084	0.0044	1		08/29/14 18:52	95-47-6	
Surrogates									
4-Bromofluorobenzene (S)	94	%	55-148		1		08/29/14 18:52	460-00-4	
1,2-Dichloroethane-d4 (S)	102	%	80-131		1		08/29/14 18:52	17060-07-0	
Toluene-d8 (S)	97	%	84-117		1		08/29/14 18:52	2037-26-5	

REPORT OF LABORATORY ANALYSIS

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