

Memorandum



Date: November 17, 2014

To: Honorable Esteban Bovo, Jr.
Board of County Commissioners - District 13

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination in Commission District 13

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 October 27, 2014 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 city 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:	Hess #09293
DERM File #:	UT-0155 / File-6961
Facility Address:	955 E. 49 th Street, Hialeah, Miami-Dade County, Florida
Folio Number:	04-2132-013-1110
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 at (305) 372-6754 or by email at heftyl@miamidadegov.

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- Division of 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

October 27, 2014

Mr. Steven Kemps, VPS
Hess Retail Stores LLC
One Hess Plaza
Woodbridge, NJ 07095

CERTIFIED MAIL No. 7008 0500 0000 8093 4741
RETURN RECEIPT REQUESTED

RE: Hess #09293 (UT-0155/File-6961/DEP Facility ID #13/8504871), located at, near, or in the vicinity of 955 E. 49th Street, Hialeah, Miami-Dade County, Florida (Folio #04-2132-013-1110) for the September 3, 2014 discharge.

Dear Mr. Kemps:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On September 4, 2014 the Department of Regulatory & Economic Resources, Division of Environmental Resources Management (DERM) received a discharge reporting form (attached) as a result of a petroleum spill which occurred at the facility on September 3, 2014. On September 3, 2014 an inspection (attached) conducted by the department revealed that the spill impacted a storm drain within the facility causing 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) of Chapter 24 of the Code of Miami-Dade County, I am hereby ordering you to:

- 1. If emergency response action or interim source removal was 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.
2. 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.

3. 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 (one paper and one electronic PDF on CD) 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.
4. Within two hundred seventy (270) days of receipt of this NOTICE, submit two signed and sealed copies (one paper and one electronic PDF on CD) 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.
5. 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.
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.

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.

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

Sincerely,

Mayra Flagler, Manager
Environmental Evaluations – Delegated Programs



Discharge Report Form

PLEASE PRINT OR TYPE

DEPT Form # 52-21 (2011)
 Form Title Discharge Report Form
 Effective Date _____

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

1. Facility ID Number (if registered) Hess 09293 2. Date of form completion 9/4/2014

3. General information

Facility name or responsible party (if applicable) Hess Export
 Facility Owner or Operator or Discharger GM Luis Vega
 Contact Person Luis Vega Telephone Number 305 502-0939 County Hialeah
 Facility or Discharger Mailing Address 955 E 42nd St Hialeah FL 33013
 Location of Discharge (street address) 955 E 42nd St Hialeah FL 33013
 Latitude and Longitude of Discharge (if known) _____

4. Date of receipt of test results or discovery of confirmed discharge: 9/3/2014 month/day/year
 5. Estimated number of gallons discharged: 165

6. Discharge affected: Air Soil Groundwater Drinking water wells 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 LUSTs 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 Theft

11. Actions taken in response to the discharge: GM immediately called Environmental and closed off area

12. Comments:

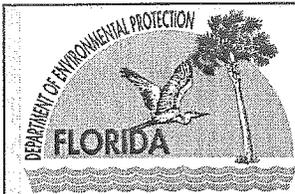
13. Agencies notified (as applicable)

State Warning Point 1-800-320-0519 National Response Center 1-800-424-8802 Florida Marine Patrol (800) 342-5367 Fire Department DEP (district person) County Tanks Program

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

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

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



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: 8504871 County: MIAMI-DADE Inspection Date: 09/03/2014
Facility Type: A -Retail Station
Facility Name: HESS #09293 # Of Inspected ASTs: 0
955 E 49TH ST USTs: 4
HIALEAH, FL 33013 Mineral Acid Tanks: 0
Latitude: 25° 52' 3.5579"
Longitude: 80° 15' 50.11"
LL Method: DPHO

Inspection Result:

Result : In Compliance
Description: Facility is In Compliance.

Financial Responsibility

Financial Responsibility: SELF-INSURANCE - LETTER FROM CHIEF FINANCIAL OFFICER
Effective Date: 04/30/2014 Expiration Date: 04/29/2015

Signatures:

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

Storage Tank Program Office

(305) 372-6807

Storage Tank Program Office Phone Number

Kelly X. Dashtaki
INSPECTOR NAME


INSPECTOR SIGNATURE

Mr. Luis Vega
REPRESENTATIVE NAME


REPRESENTATIVE SIGNATURE

Facility ID: 8504871

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 Operability Test	07/22/2014	Passed	09/03/2014	07/22/2015	CROMPCO, LLC.
Annual Inline Leak Detector Test	07/22/2014	Passed	09/03/2014	07/22/2015	CROMPCO, LLC.

Reviewed Records

Record Category	Record Type	From Date	To Date	Reviewed Record Comment
Two Years	Monthly Maint. Visual Examinations and Results	09/03/2012	09/03/2014	Monthly visual log.
Life Time	Written Release Detection Response Level Info	09/03/2014	09/03/2014	RDRL
Two Years	Electronic Release Detection Equip. Monthly Checks	09/03/2012	09/03/2014	Liquid status print out from TLS-350 system.
Two Years	Monthly Release Detection Results	09/03/2012	09/03/2014	Monitoring well log.
Two Years	Certificate of Financial Responsibility	04/30/2014	04/29/2015	Hess Corp Self-Insured.

Inspection Comments

09/03/2014

DRF Inspection CH.62-761. Inspection conducted on 9-3-2014.

This DRF inspection is being conducted in response to a discharge reported to the department over the Labor Day long weekend on Monday at 11:30am. Apparently the facility had a theft of diesel gas from the tank farm and as thieves fled from the police there was a spill of diesel to concrete pad around diesel tank farm and made its way to NE storm drain. I was on site at 10:30am on 9-3-2014, with Mr. Luis Vega (Hess Manager) (305)-687-2870 to inspect facility with 4- 10,000 gallon double-walled underground tanks. Tanks installed in 1991.

As per Mr. Vega only the Northeast storm drain was affected by the spill. This was immediately reported to Hess Corp. which dispatched Cliff Berry Inc. to pump out the storm drain and remove all contaminated soil and water. Cliff Berry Inc. clean out manifest was on site and dated 9-1-2014. Approximately 165 gallons of petroleum contact water and soil mix was removed from NE. storm drain located near diesel tank farm area and pressure cleaning of tank farm concrete and placed in three 55 gallon steel drums. No free floating product or sheen was observed in storm drain or concrete pad around tank farm during today's inspection. A copy of a Discharge Report Form was left on site with Hess manager to fill out within 48 hours and e-mail to DERM inspector.

The following was also inspected at facility during today's Discharge inspection:

Registration placard is current and available on site. 2014-2015.

Financial Responsibility is current and available on site. Hess Corp. self- Ins. 4-30-2014 through 4-29-2015.

Facility ID: 8504871

Inspection Comments

Annual operability test for release detection devices (TLS-350 & LLD) available on site. Done CROMPCO, LLC. on 7-22-2014. All Passed.

Breach of integrity test for tanks installed in 1991 N/A.

Release Detection Response Levels is available and posted on site.

Monthly visual log is current and available on site. 24 months noted.
Monthly monitoring well log is current and available on site. 24 months noted.

Electronic release detection is monitored through the TLS-350 system.
Monthly Liquid Status reports are being run monthly for facility and all functions normal.
Audible and visual alarms working properly. Liquid status for all sensors (STP Sumps, and Interstitials) checked during today's inspection.

There are a total of 5 dispensers on site. Dispenser liners are free of liquid and shear valves appear to be properly braced or anchored.

Fill port & vapor recovery lids are properly color-coded.
Fill port & vapor recovery watertight caps contain gasket and have a tight seal.
Fill port & vapor recovery spill containment buckets are free of liquid and release valves are in place.
Great Dane Petroleum Inc. was on site installing an anti-theft cap and locks on diesel fill port.

All STP sumps are free of liquid, contain electronic line leak detectors, have boots pulled back for release detection, and sensors are correctly positioned below piping. Piping type is double-walled fiberglass piping. All STP motors and associated metal unions are free of corrosion.

There are a total of 6 compliance monitoring wells on site. Approved Plans dated 12-31-1993 also calls for 6 compliance wells. All compliance monitoring well watertight caps are locked or properly secured and properly color coded. All monitoring well pipes are at least 1 inch above the surface and the containment appears to be properly grouted. No visual evidence of free floating product or sheen observed, as well as no odors was detected during the inspection in all monitoring wells. All monitoring wells Depth to water /Depth to bottom was measured on 11-13-2013. On that date water column levels were determined adequate for release detection meeting the 3 ft requirement.
Site diagram and site photos attached.
A signed copy of today's inspection report and DRF form was printed and left on site with Facility

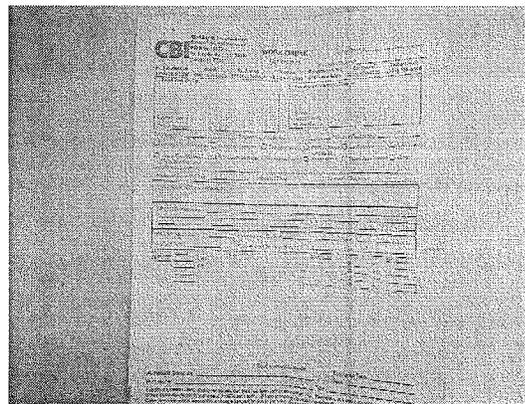
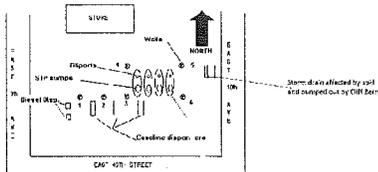
Inspection Photos

Added Date 09/03/2014

Added Date 09/03/2014

2014-9-3-Facilitysite diagram with spill to storm drain

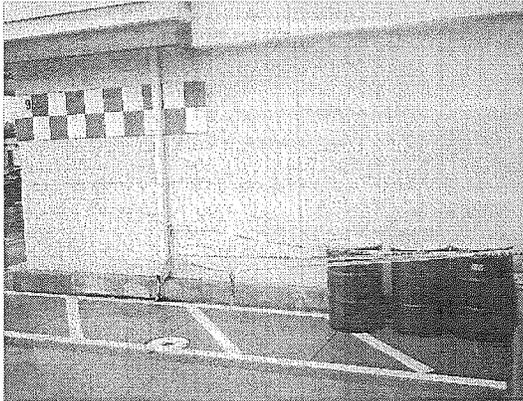
2014-9-3-Storm drain clean out manifest cliff berry inc



Facility ID: 8504871

Added Date 09/03/2014

2014-9-3- three 55 gallon drums of pump out water & soil



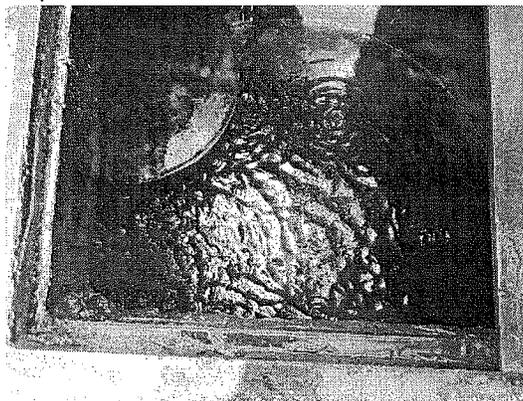
Added Date 09/03/2014

2014-9-3-overview photo of storm drain & tank farm.



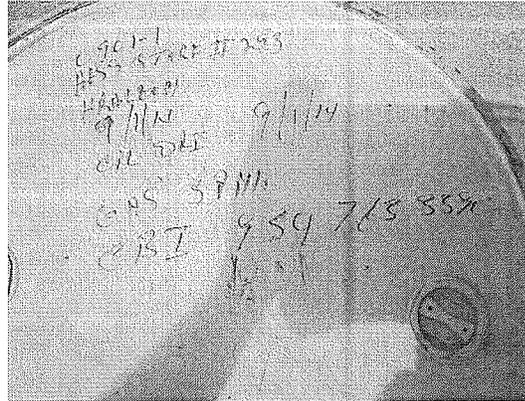
Added Date 09/03/2014

2014-9-3-No product or sheen noted during DRF inspec.



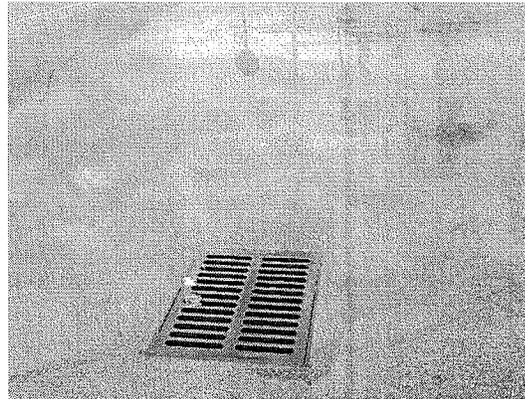
Added Date 09/03/2014

2014-9-3- Drum information for disposal by Cliff Berry.



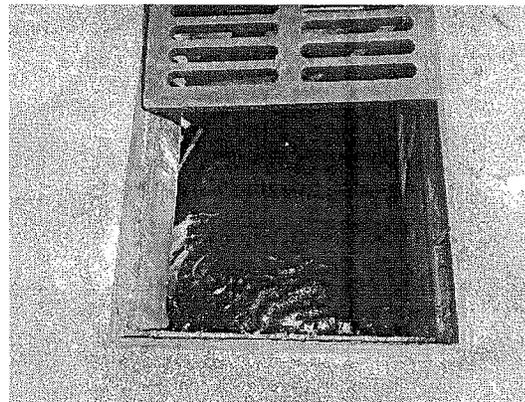
Added Date 09/03/2014

2014-9-3-storm drain and surrounding concrete no sheen.



Added Date 09/03/2014

2014-9-3-No product or sheen noted during DRF inspec.



Facility ID: 8504871

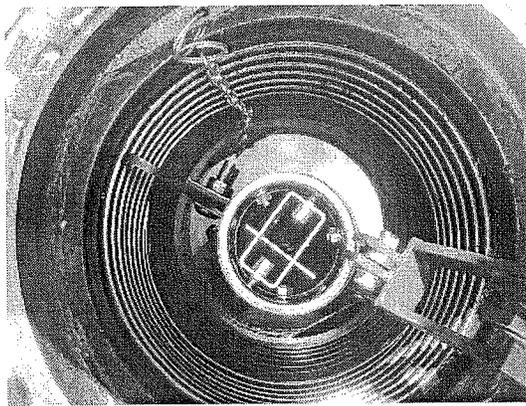
Added Date 09/03/2014

2014-9-3-No product or sheen noted on tank farm surface



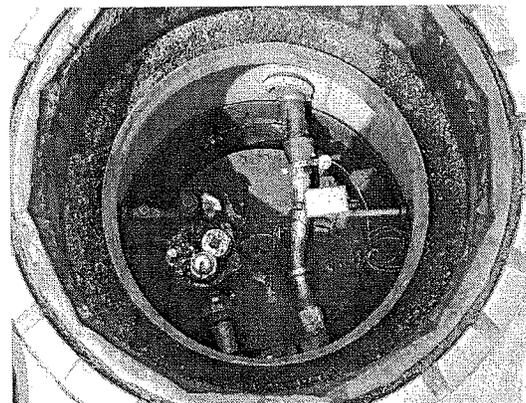
Added Date 09/03/2014

2014-9-3-Anti-theft cap installed on diesel fillport.



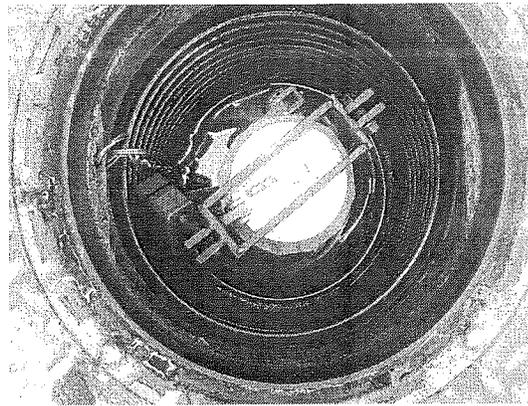
Added Date 09/03/2014

2014-9-3-All STP sumps dry & sensors operational.



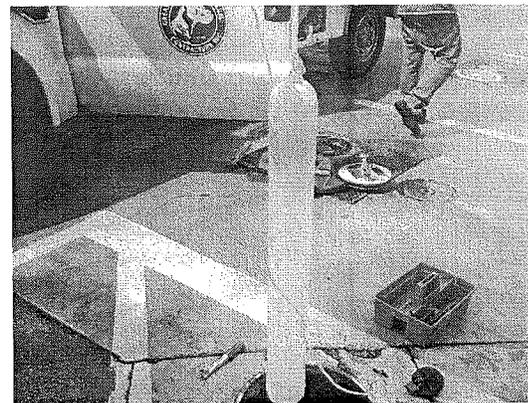
Added Date 09/03/2014

2014-9-3-Anti-theft cap installed on diesel fillport.



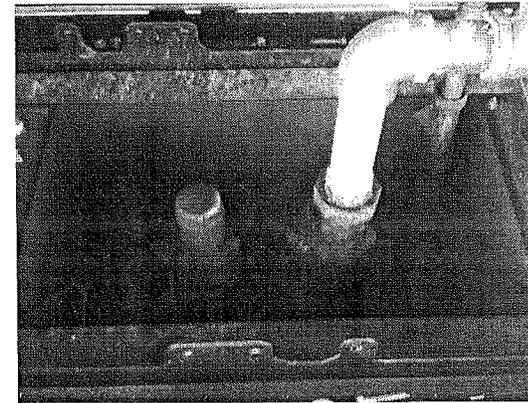
Added Date 09/03/2014

2014-9-3-no product or sheen noted in all six wells.



Added Date 09/03/2014

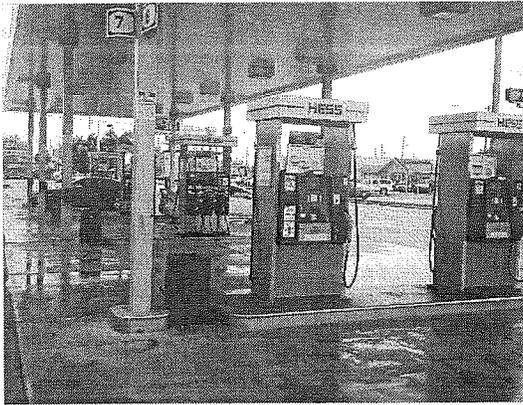
2014-9-3-All dispenser liners dry & shear valves braced



Facility ID: 8504871

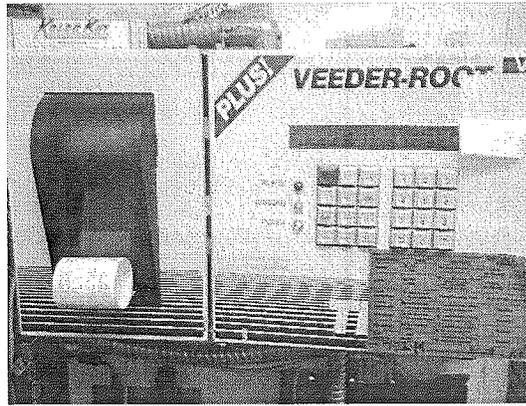
Added Date 09/03/2014

2014-9-3-overview of dispensers.



Added Date 09/03/2014

2014-9-3-All functions normal on TLS-350 system.



Added Date 09/03/2014

2014-9-3-TLS-350 liquid status print out.

