

Memorandum



Date: November 19, 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 November 3, 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:	Unique Oil #5
DERM File #:	UT-2316 / File - 8472
Facility Address:	3201 NW 183 Street, Miami-Dade County, Florida
Folio Number:	34-2104-003-1860
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@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 – 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

November 3, 2014

Carlos Fontecilla, PVPT
Unique Oil No.5 Inc.
2200 S. Dixie Hwy.,
Suite 601
Miami Gardens, FL 33133

CERTIFIED MAIL No. 7013 2630 0001 8386 1889
RETURN RECEIPT REQUESTED

RE: Unique Oil #5 facility (UT-2316/File-8472/FDEP #13/9045940), located at, near, or in the vicinity of 3201 NW 183rd Street, Miami-Dade County, Florida (Folio #34-2104-003-1860).

Dear Mr. Fontecilla:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

A Discharge Reporting Form dated September 18, 2014 (attached) was submitted to this Department on September 29, 2014. Additionally, groundwater analytical results dated October 9, 2014 submitted to this Department on October 29, 2014 for the above referenced site, documented evidence of hydrocarbon contamination in the ground and/or 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 the Miami-Dade County Environmental Protection Ordinance, 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)(f) 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 this Department within three (3) days of testing. The results may be sent via e-mail to Kelly Dashtaki at dashtk@miamidade.gov or faxed to his attention at (305) 372-6907.
3. 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.
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 (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.
6. Within two hundred seventy (270) days of receipt of this NOTICE, submit to this Department 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 62-770, Florida Administrative Code (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 RER, 701 NW 1st Ct, 4th floor, Miami, FL 33136.
7. For sites requiring active remediation, within ninety (90) days of receipt of approval from this Department for the SAR, submit two copies of a Remedial Action Plan (RAP) prepared in accordance with Chapter 62-770, 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.

Mr. Fontecilla
UT-2316/File-8472
FDEP Fac. ID #13/9045940
November 3, 2014
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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 SECTIONS 24-29 AND 24-30 OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY.

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

Sincerely,

A handwritten signature in cursive script that reads "Mayra Flagler".

Mayra Flagler, Manager

Environmental Evaluations-Delegated Programs

Enclosure(s)
cc: FDEP Oculus
RER File



Discharge Reporting Form

PLEASE PRINT OR TYPE

DEP Form # 62-761.900(1)
Form Title Discharge Reporting Form
Effective Date _____

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

1. Facility ID Number (if registered): 9045940 2. Date of form completion: 9/18/2014

3. General information

Facility name: Unique Oil #5
Facility Owner or Operator: Unique Oil Inc
Facility Contact Person Randolph Khunjar Telephone number: (305) 255-4145 County: Miami-Dade
Facility Mailing address: 2200 S Dixie Hwy, #601 Miami, FL 33133
Location of discharge (facility street address): 3201 NW 183rd St, Miami FL 33619
Latitude and Longitude of discharge (if known.) _____

4. Date of receipt of test results or discovery of confirmed discharge: 04/24/14 month/day/year 5. Estimated number of gallons discharged: Unknown

6. Discharge affected: Air Soil Ground water 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 Kerosine 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. Discharge originated from a: (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 Unknown

11. Actions taken in response to the discharge: Absorbent socks placed in the wells with free product. Enhanced Fluid Recovery scheduled in two weeks.

12. Comments: _____

13. Agencies notified (as applicable):

State Warning Point National Response Center Fire Department County Tanks Program DEP (district/person)
1-800-320-0519 1-800-424-8802 _____

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

RANDOLPH KHUNJAR
Printed Name of Owner, Operator or Authorized Representative

[Signature]
Signature of Owner, Operator or Authorized Representative
09/18/14