

Memorandum



Date: December 16, 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 November 10, 2014 due to documented soil and/or groundwater contamination. The site is in an area receiving city water service; therefore the drinking water is not at risk from the potential 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:	Triangle Energy LLC
DERM File #:	UT-5756 / File-16265
Facility Address:	900 East 65 th Street, Hialeah, Florida in Miami-Dade County
Folio Number:	04-2132-048-0030
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, Director – Division of 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 Hefty, Director of the Division of Environmental Resources Management - RER

November 10, 2014

Mr. Clemente E. Cruz
Triangle Energy LLC
900 East 65th Street
Hialeah, FL 33013CERTIFIED MAIL No. 7013 2630 0001 8386 1896
RETURN RECEIPT REQUESTEDRE: Triangle Energy LLC facility (UT-5756/File-16265/FDEP #13/9803878), located at, near, or in the vicinity of 900 East 65th Street, Hialeah, Miami-Dade County, Florida (Folio #04-2132-048-0030).

Dear Mr. Cruz:

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

On September 5, 2014, a representative of this Department inspected the above referenced facility (refer to attached inspection report) and found evidence of a petroleum spill caused by a faulty fuel dispenser. The diesel dispenser is located along the property's east-northeast (ENE) side, and impacted the open ground area located along the northeast (NE) side of said property. Additionally, soil analytical samples obtained on September 5, 2014 revealed hydrocarbon contamination in the ground 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. Within seven-days (7) of receipt of this Notice submit to this Department a Discharge Reporting Form (attached).

Mr. Cruz
UT-5756/File-16265
FDEP Fac. ID #13/9803878
November 10, 2014
Page 2

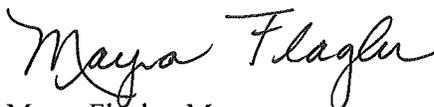
3. Within twenty-days (20) of receipt of this Notice, address the open ground areas impacted by the spill runoff (area behind the diesel fuel dispenser along the ENE side of property). The following requirements apply:
 - a. The contaminated area(s) must be remediated/excavated until no further apparent (includes odor/staining) contamination remains. However, be advised that if analytical sampling at the subject area(s) by a DERM representative reveals contamination in violation of Chapter 24, of the Code of Miami-Dade County, additional remediation will be required.
 - b. Notify the Department, attention Kelly Dashtaki, at least three-days (3) prior to initiation of contaminated soil or sediment removal.
 - c. Source removal activities shall not spread contamination into previously uncontaminated or less contaminated areas
 - d. The excavated soil must be stored and covered on-site until this Department grants approval for proper disposal.
 - e. The excavated soil/sediment, and any other waste generated during the removal activities, shall be characterize, handled, and disposed in accordance with all applicable federal, state, and local regulations.
 - f. Within fifteen-days (15) of disposal mail or fax a legible copy of the disposal receipt(s)/manifest to the attention of Kelly Dashtaki.
 - g. The excavated area must not be backfilled until the area is re-inspected by this Department, and an approval is granted.

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

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.

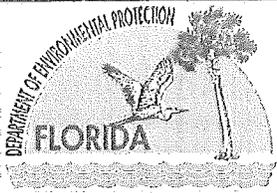
If you have any questions concerning this matter, please contact Kelly Dashtaki, of the Environmental Evaluations-Delegated Programs of this office at (305) 372-6600.

Sincerely,



Mayra Flügler, Manager
Environmental Evaluations-Delegated Programs

Enclosure(s)
cc: FDEP Oculus/RER File



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: 9803878 County: MIAMI-DADE Inspection Date: 09/05/2014
Facility Type: A -Retail Station
Facility Name: TRIANGLE ENERGY LLC # Of Inspected ASTs: 0
900 E 65TH ST USTs: 3
HIALEAH, FL 33013 Mineral Acid Tanks: 0
Latitude: 25° 52' 53.9508"
Longitude: 80° 15' 54.0108"
LL Method: DPHO

Inspection Result:

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

Financial Responsibility

Financial Responsibility: INSURANCE
Insurance Carrier: COMMERCE & INDUSTRY
Effective Date: 05/31/2014 Expiration Date: 05/31/2015

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

Mrs. Ingrid Ferrera
REPRESENTATIVE NAME


INSPECTOR SIGNATURE


REPRESENTATIVE SIGNATURE

Facility ID: 9803878

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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Overdue Tests

Breach of Integrity Test			08/18/2014	01/23/2013	Violation cited for test results not available on site for tanks installed on 12-1-1998.
Annual Operability Test			08/18/2014	01/23/2013	Violation cited for test results not available on site.
Annual Inline Leak Detector Test			08/18/2014	01/23/2013	Violation cited for test results not available on site.

Completed Tests

Annual Operability Test	01/23/2012	Passed	06/14/2012	01/23/2013	By Action Petroleum, Inc
Annual Inline Leak Detector Test	01/23/2012	Passed	06/14/2012	01/23/2013	By Action Petroleum, Inc

Reviewed Records

Record Category	Record Type	From Date	To Date	Reviewed Record Comment
Two Years	Monthly Release Detection Results	09/05/2012	09/05/2014	Monitoring well log
Two Years	Certificate of Financial Responsibility	05/31/2014	05/31/2015	Commerce and Industry Ins.
Two Years	Monthly Maint. Visual Examinations and Results	09/05/2012	09/05/2014	Monthly visual log

Outstanding Violations

Type: Violation
Significance Name: Minor
Rule: 62-761.640(4)(a)4., 62-761.640(4)(a)3., 62-761.640(4)(a)2., 62-761.640(4)(a)1.
Violation Text: UST line leak detector cannot detect a 3.0 gph discharge; not tested annually.
Explanation: Current annual certification test results for all mechanical line leak detectors not available on site.
Corrective Action: Email Current annual certification test results for all mechanical line leak detectors to Dashtk@miamidade.gov within 30 days.

Type: Violation
Significance Name: Minor
Rule: 62-761.700(1)(c)3.

Facility ID: 9803878

Violation Text: Release detection devices not tested annually.

Explanation: Current annual certification test results for Pneumercator TMS-3000 System not available on site.

Corrective Action: Email Current annual certification test results for Pneumercator TMS-3000 System to Dashtk@miamidade.gov within 30 days.

Type: Violation

Significance Name: Minor

Rule: 62-761.500(1)(d)5.

Violation Text: Failure to allow for/perform a breach of integrity test.

Explanation: Breach of integrity test results for tanks installed in 12-1-1998 not available on site.

Corrective Action: Email Breach of integrity test results for tanks installed in 12-1-1998 to Dashtk@miamidade.gov within 30 days.

Inspection Comments

09/05/2014

Arrived on site 9-5-2014 at 10:30am to conduct a Discharge inspection that occurred on 9-4-2014 at 3:02pm as per county complaint intake form 66379. I met on site with Mrs. Ingrid Ferrera(305)688-1852 (store Manager), Mr. Jim Garcia (DEP Emergency Response) (904)748-9546, Robert C. Summer (Senior Geologist) of Cliff Berry Inc. (954)763-3390, and Mr. Jose Urbieta (Petro-Solutions Inc.) (305)883-8687. Mr. Garcia explained that approximately 200 gallons of Diesel fuel was discharged to open ground and impervious concrete due to a sudden break in the union fitting from the dispenser to the fuel filter inside diesel dispenser. The dispenser in question was shut off and Cliff Berry Inc. was called to remove product from the dispenser liners (30 gallons) and approximately 70 gallons of the 200 gallon total from the impervious concrete in front of the diesel dispenser and tank farm area. Approximately 100 gallons of the 200 gallon total was discharged to the grassy area located behind the diesel dispenser, which will need remediation that is going to be performed by Cliff Berry Inc. Soil sample was taken from the area Blue card Number 291557. During my inspection I noted that all compliance wells were clear and no free floating product was observed in the wells. The soil and grass located behind the diesel dispenser near vent lines showed signs of contamination 4 feet by 5 feet in area. All dispenser liners were dry and free of product. Mr. Jose urbieta of Petro-Solutions will be e-mailing me a copy of the Discharge Report Form within 24 hours. Some violations that were noted during annual compliance inspection on 8-18-2014 were resolved during today's inspection. Test results for line leak detectors, Sensor box system and breach of integrity test for tanks is still pending. Site assessment report (SAR) will have to be submitted to DERM.

Inspection Photos

Added Date 09/05/2014

2014-9-5-storm drain in the area was not affected.



Facility ID: 9803878

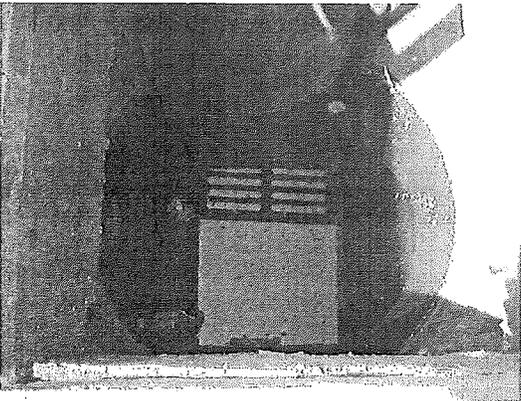
Added Date 09/05/2014

2014-9-5-photo of discharge area & absorbent material



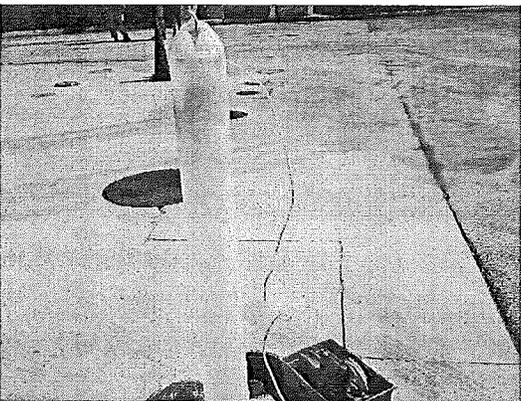
Added Date 09/05/2014

2014-9-5-storm drain clean.



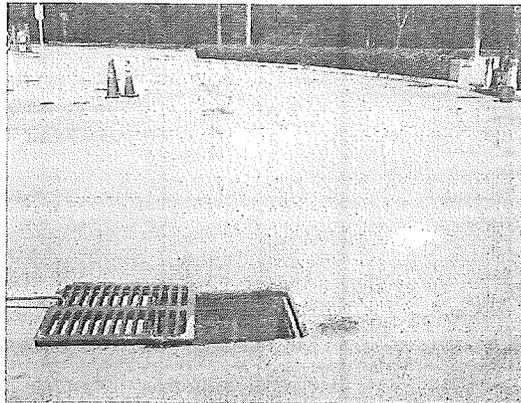
Added Date 09/05/2014

2014-9-5-All compliance wells were clear, no FFP.



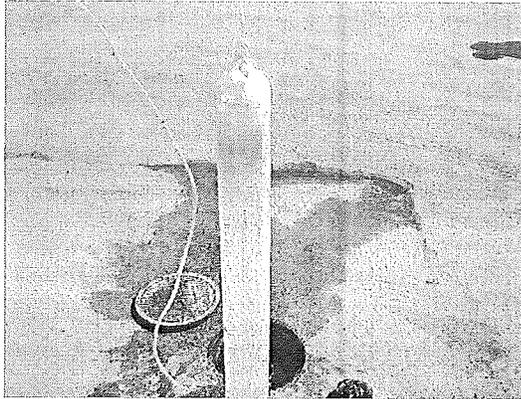
Added Date 09/05/2014

2014-9-5-storm drain overview and spill area.



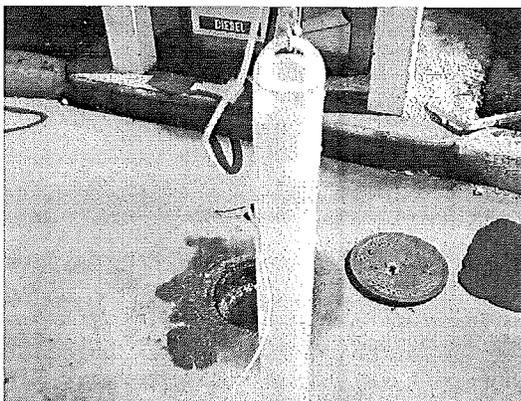
Added Date 09/05/2014

2014-9-5-compliance wells free of product at this time



Added Date 09/05/2014

2014-9-5-Well in front of discharging dispenser clear



Facility ID: 9803878

Added Date 09/05/2014

2014-9-5-Well in front of discharging dispenser clear



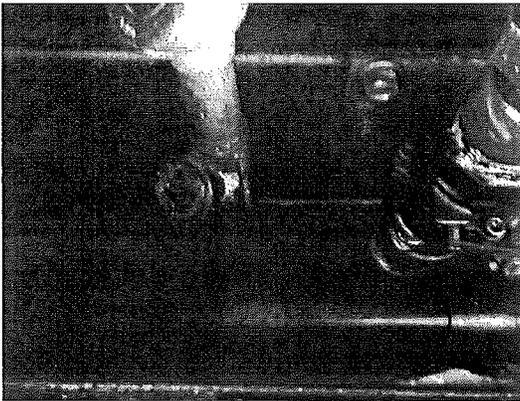
Added Date 09/05/2014

2014-9-5-overview of diesel dispenser area.



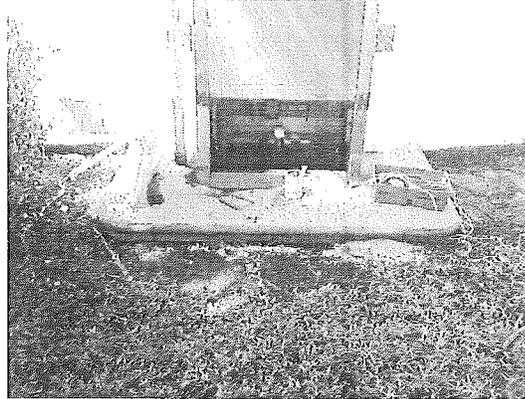
Added Date 09/05/2014

2014-9-5-All dispenser liners dry and free of product.



Added Date 09/05/2014

2014-9-5-Back of diesel dispenser discharge to ground



Added Date 09/05/2014

2014-9-5-Cause of leak broken fitting union in filter.



Added Date 09/05/2014

2014-9-5-Area of contaminated soil.



Facility ID: 9803878

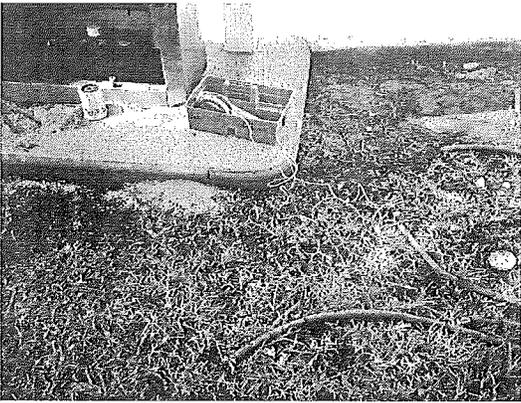
Added Date 09/05/2014

2014-9-5-Close up of broken fitting inside fuel filter



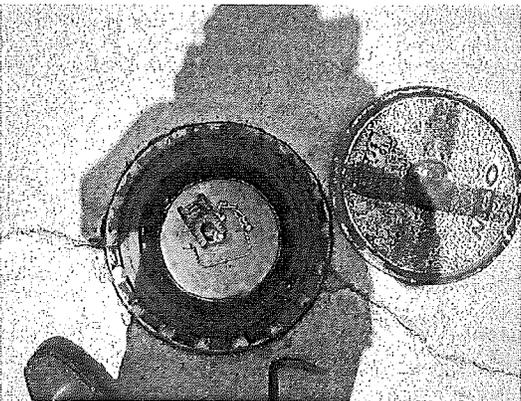
Added Date 09/05/2014

2014-9-5-Area of contaminated soil.



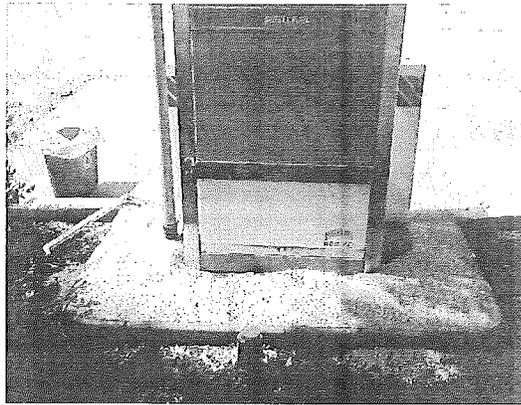
Added Date 09/05/2014

2014-9-5-resolution photo:All fillports dry.



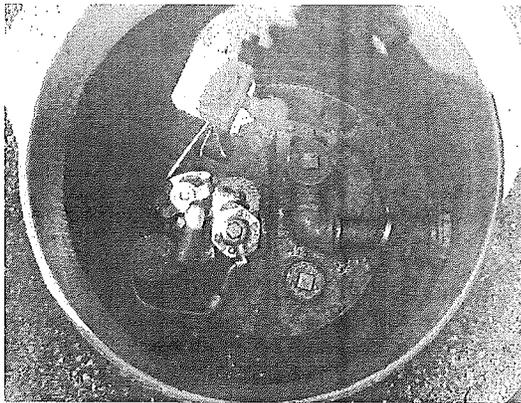
Added Date 09/05/2014

2014-9-5-soil sample taken. lab card #291557



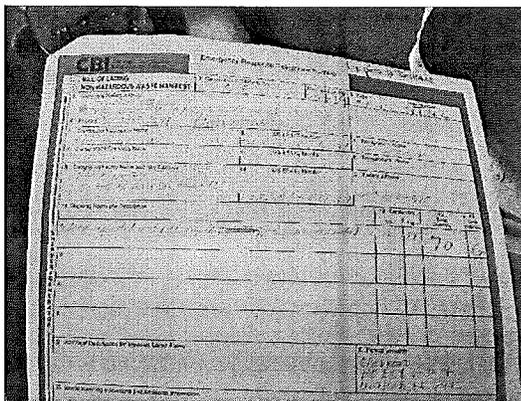
Added Date 09/05/2014

2014-9-5-resolution photo:All STP Sumps dry.



Added Date 09/05/2014

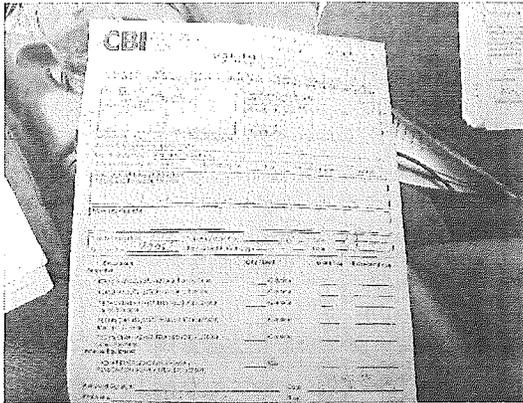
2014-9-5-Cliff Berry clean up manifest from concrete



Facility ID: 9803878

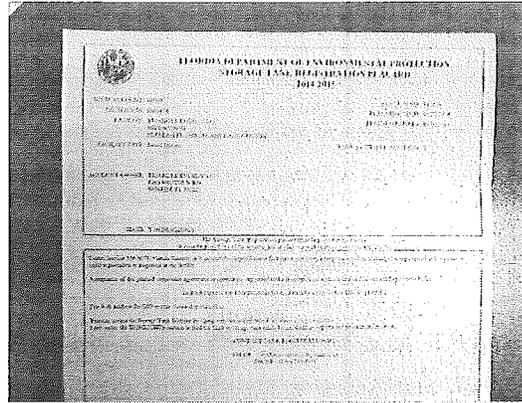
Added Date 09/05/2014

2014-9-5-Cliff Berry clean up manifest from concrete



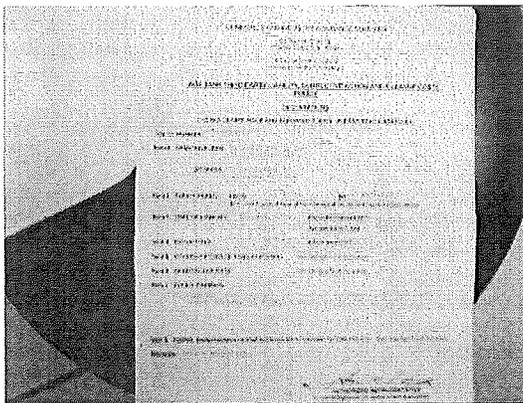
Added Date 09/05/2014

2014-9-5-Current placard permit.



Added Date 09/05/2014

2014-9-5-Polution liability Insurance.



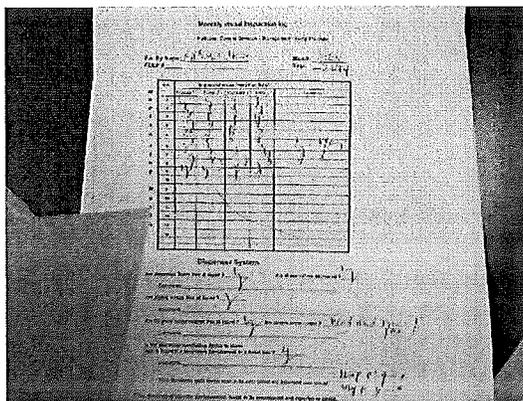
Added Date 09/05/2014

2014-9-5-DEP emergency response on site.



Added Date 09/05/2014

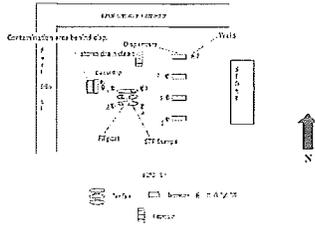
2014-9-5-monthly visual logs & well logs.



Facility ID: 9803878

Added Date 09/05/2014

2014-9-5-Facility aite diagram with contamination area.



ANALYTICAL RESULTS

Project: 2532-E
Pace Project No.: 35154053

Sample: AC28637 291577 Lab ID: 35154053001 Collected: 09/05/14 13:00 Received: 09/08/14 17:00 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
8270 MSSV Short List Microwave		Analytical Method: EPA 8270 Preparation Method: EPA 3546							
Acenaphthene	0.097U	mg/kg	0.26	0.097	1	09/09/14 03:30	09/09/14 13:53	83-32-9	
Acenaphthylene	0.082U	mg/kg	0.26	0.082	1	09/09/14 03:30	09/09/14 13:53	208-96-8	
Anthracene	0.081U	mg/kg	0.26	0.081	1	09/09/14 03:30	09/09/14 13:53	120-12-7	
Benzo(a)anthracene	0.077U	mg/kg	0.26	0.077	1	09/09/14 03:30	09/09/14 13:53	56-55-3	
Benzo(a)pyrene	0.031U	mg/kg	0.26	0.031	1	09/09/14 03:30	09/09/14 13:53	50-32-8	
Benzo(b)fluoranthene	0.20U	mg/kg	0.26	0.20	1	09/09/14 03:30	09/09/14 13:53	205-99-2	
Benzo(g,h,i)perylene	0.21U	mg/kg	0.26	0.095	1	09/09/14 03:30	09/09/14 13:53	191-24-2	
Benzo(k)fluoranthene	0.057U	mg/kg	0.26	0.057	1	09/09/14 03:30	09/09/14 13:53	207-08-9	
Chrysene	0.094U	mg/kg	0.26	0.094	1	09/09/14 03:30	09/09/14 13:53	218-01-9	
Dibenz(a,h)anthracene	0.076U	mg/kg	0.26	0.076	1	09/09/14 03:30	09/09/14 13:53	53-70-3	
Fluoranthene	3.0	mg/kg	0.26	0.086	1	09/09/14 03:30	09/09/14 13:53	206-44-0	
Fluorene	0.12U	mg/kg	0.26	0.12	1	09/09/14 03:30	09/09/14 13:53	86-73-7	
Indeno(1,2,3-cd)pyrene	0.10U	mg/kg	0.26	0.10	1	09/09/14 03:30	09/09/14 13:53	193-39-5	
1-Methylnaphthalene	14.6	mg/kg	0.26	0.094	1	09/09/14 03:30	09/09/14 13:53	90-12-0	
2-Methylnaphthalene	20.1	mg/kg	0.26	0.11	1	09/09/14 03:30	09/09/14 13:53	91-57-6	
Naphthalene	7.5	mg/kg	0.26	0.086	1	09/09/14 03:30	09/09/14 13:53	91-20-3	
Phenanthrene	0.10U	mg/kg	0.26	0.10	1	09/09/14 03:30	09/09/14 13:53	85-01-8	
Pyrene	11.8	mg/kg	0.26	0.082	1	09/09/14 03:30	09/09/14 13:53	129-00-0	
Surrogates									
Nitrobenzene-d5 (S)	179	%	10-110		1	09/09/14 03:30	09/09/14 13:53	4165-60-0	J(S0)
2-Fluorobiphenyl (S)	88	%	18-110		1	09/09/14 03:30	09/09/14 13:53	321-60-8	
Terphenyl-d14 (S)	108	%	10-123		1	09/09/14 03:30	09/09/14 13:53	1718-51-0	
Percent Moisture		Analytical Method: ASTM D2974-87							
Percent Moisture	28.4	%	0.10	0.10	1		09/09/14 10:26		

REPORT OF LABORATORY ANALYSIS

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

MIAMI-DADE COUNTY, FLORIDA



EPA # FL00025
FL CERT # E46126

Department of Regulatory and Economic Resources

Environmental Resources Management

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

LABORATORY ANALYSIS RECORD
ENFORCEMENT

Site: Triangle Energy LLC

Address: 900 East 65th Street

Sampler/Section: Kelly Dashtaki / Pred

Deliverer/Section: Kelly Dashtaki / Pred

Return Analysis to/Section: Ana Chirina / Pred

C.C.#: DE387196 Permit: WT-5756 Phone: 305-372-6613

Sample #: 292669

Date: 9-5-2014 Time: 1:00pm

Collection Point:

Observation/known Hazards: Dispenser

Diesel

5 SEP '14 14:45

Clock-In Date/Inspector

[Signature]
Sign By Inspector

[Signature]
*Sign By Lab Custodian

AC28638
Ref # Iced? 173
*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

Requirements: SDWA NPDES Other

Matrix: H2O Soil/Sludge Product Layer Sewage Other

Preservation: None Acid Base Thermal: Iced No Iced

Sample Bottle Prepared Lot #: _____ Picked-Up Date By Inspector: 9-5-2014

Split Sample? Yes No Consultant/Lab: _____

Test(s) Run/Method #	Test(s) Run/Method #
<u>VOA</u>	

Relinquished To: **Contract Lab [Signature]

Delivered By / Date: _____

Received By / Date: _____

Extracted By / Date: _____

Analyzed By / Date: _____

Returned By / Date: _____

Comments

* By RER Lab ** By Contract Lab