

Memorandum



Date: December 16, 2014

To: Honorable Dennis C. Moss
Board of County Commissioners - District 9

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination in Commission District 9

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 24, 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 municipal 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

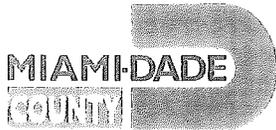
The summary of this case is noted below:

Subject	Environmental Contamination
Facility Name:	Costco Gasoline Station - Kendall
DERM File #:	UT-6842 / File - 24474
Facility Address:	13450 SW 120 th Street, Miami-Dade County, Florida
Folio Number:	30-5914-127-0020
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 24, 2014

Mr. Walter Jelinek, President
Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98027

**CERTIFIED MAIL No. 7005 1160 0000 2603 3374
RETURN RECEIPT REQUESTED**

RE: Costco Gasoline Station-Kendall (UT-6842/File-24474/DEP Facility ID #13/9809868), located at, near, or in the vicinity of 13450 SW 120th Street, Miami, Miami-Dade County, Florida (Folio #30-5914-127-0020) for the October 13, 2014 discharge.

Dear Mr. Jelinek:

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

On October 15, 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 October 13, 2014. On October 14, 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.

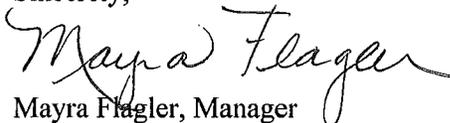
3. Within thirty (30) days of receipt of this NOTICE, conduct soil investigation, in accordance with the provisions of Chapter 62-780, F.A.C., to establish the degree and extent of contamination. Based on the current land use, assessment of open ground areas shall include an evaluation the 0-6 inch interval, 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 to 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 Mr. Kelly Dashtaki of the Environmental Evaluations Section of this office at (305) 372-6600.

Sincerely,



Mayra Flagler, Manager

Environmental Evaluations – Delegated Programs

Enclosure(s)

cc: FDEP Oculus Copy & DERM 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 Annual Compliance Site Inspection Report

Facility Information:

Facility ID: 9809868 County: MIAMI-DADE Inspection Date: 10/14/2014
Facility Type: C -Fuel user/Non-retail
Facility Name: COSTCO GASOLINE STATION-KENDALL # Of Inspected ASTs: 3
13450 SW 120TH ST USTs: 3
KENDALL, FL 33186 Mineral Acid Tanks: 0
Latitude: 25° 39' 7.8677"
Longitude: 80° 24' 45.9196"
LL Method: DPHO

Inspection Result:

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

Financial Responsibility

Financial Responsibility: INSURANCE
Insurance Carrier: ZURICH-AMERICAN
Effective Date: 07/01/2014 Expiration Date: 07/01/2015

Findings:

Class A Owner Training Certificates are present.
Class B Maintenance Training Certificates are present.

Signatures:

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

Storage Tank Program Office

(305) 372-6807

Storage Tank Program Office Phone Number

Facility ID: 9809868

Carlos E. Fernandez-Bango

INSPECTOR NAME



INSPECTOR SIGNATURE

Alex Polo

REPRESENTATIVE NAME



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	04/01/2014	Passed	10/14/2014	04/01/2015	UST - Done by Tanknology.
Breach of Integrity Test	04/18/2013	Passed	10/14/2014	04/18/2018	Done by Tanknology.
Annual Operability Test	09/05/2014	Passed	10/14/2014	09/05/2015	Done by Florida Detroit Diesel.

Reviewed Records

Record Category	Record Type	From Date	To Date	Reviewed Record Comment
Two Years	Monthly Release Detection Results	10/18/2012	10/14/2014	Done by facility staff.
Life Time	Written Release Detection Response Level Info	10/14/2014	10/14/2014	Done by facility staff.
Two Years	Electronic Release Detection Equip. Monthly Checks	10/18/2012	10/14/2014	Vender Root TLS 350
Two Years	Monthly Maint. Visual Examinations and Results	10/18/2012	10/14/2014	UST Visual Logs. Done by facility staff. AST Visual Logs May 2013 - September 2014
Two Years	Certificate of Financial Responsibility	07/01/2014	07/01/2015	Zurich-American

New Violations

Type: Violation
Significance Name: Minor
Rule: 62-761.640(2)(e)
Violation Text: Problems found during visual inspections not noted.
Explanation: Visual inspections. Any visual inspection of the storage tank system or its secondary containment that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems shall be noted. Repairs shall be made in accordance with the requirements of Rule 62-761.700, F.A.C.
Corrective Action: Premium and Regular STP components have signs of corrosion. Make all necessary repairs in order to prevent corrosion from damaging the system and avoid a leakage or

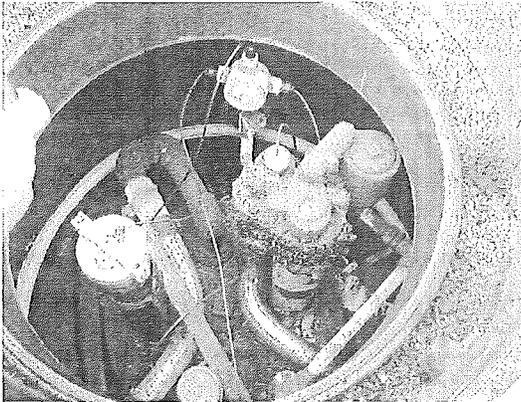
Facility ID: 9809868

potential discharge onto the ground

Violation Photos

Added Date 10/14/2014

Corrosion on STP.



Type: Violation

Significance Name: Minor

Rule: 62-761.700(1)(a)1.d., 62-761.700(1)(a)1.c., 62-761.700(1)(a)1.b., 62-761.700(1)(a)1.a.

Violation Text: Not repaired component which has or could cause a discharge or release.

Explanation: A release of regulated substances into secondary containment

Corrective Action: Properly disposed of product and contaminated sand found on concrete slab surrounding the ASTs . Correct the observed leak condition, and submit an Incident Notification Form (form provided) within 14 days; stating the cause of this incident, all repairs done to the system, and determine whether or not there was a discharge through the catch basin

Violation Photos

Added Date 10/14/2014

Controlled spill observed.



Inspection Comments

10/14/2014

Annual Compliance Inspection template

Inspection Comments

On site with Inspector Alejandro Zayas, we met with Mr. Alex Polo General Manager for an annual compliance inspection of 3 double wall, fiberglass, 30,000 gallons USTs, and 3 double wall, steel, (2) 12,000 gallon and (1) 1,000 gallon ASTs. There is and additionally non-regulated 180 G day-tank. The 3 USTs were related to Facility ID #9810046.

The registration information was verified and no changes were noted.

The following records were current and available on site:

Registration Placard

Self-Developed SPCC

CFR & Insurance Declaration Page

Monthly Visual and Monitoring Well Logs

Corresponding Annual Operability and LLD test results

BOI

AST's

Fuel level is being monitored through both a mechanical and an electronic device.

Tanks and associated piping are in average condition; no visible weathering, cracking or blistering noted.

Stains and contaminated sand was observed on the concrete pad around one of 12,000 G tank and spill reach a catch basin. On 10/13/2014 CBI responded and produced work order #324354, indicating that 300 G of oily water and 1.5 drum of contaminated sand were removed from site. In addition, a Florida Detroit Diesel Allison crew responded and determined that a source of the spill was fuel line going into injector pump. Repairs are still not completed. An INF task was created. Pictures attach.

Note: General Manager Mr. Alex Polo refused to sign and accept the INF form. A blank was issued and NCL was left inside his office.

Fill-ports are properly identified.

Fill port watertight cap contains gasket and has a tight seal.

Fill port spill containment bucket is free of liquid and release valve is in place.

Interstitial space is monitored through a built-in rupture basin alarm, currently out of order.

USTs:

Electronic release detection is monitored through the electronic release detection system; all liquid sensors normal, alarm free. The liquid status report was obtained. Veeder-Root TLS-350 is monitoring all dispenser liners, all STP sumps, AST annular space, fuel level, fill-ports tertiary containment, and all UST's interstitial. There are a total of 8 dispensers on site. The dispenser liners were dry and the shear valves appeared to be properly braced.

Fill port lids were properly color-coded.

Fill port watertight caps contained gaskets and had tight seals.

Fill port spill containment buckets were dry.

All the STP sumps 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.

There were a total of 16 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 risers were 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 odor were detected during the inspection in all monitoring wells.

All monitoring wells DTW/DTB was measured during today's inspection. Water column levels were determined adequate for release detection meeting the 3 ft requirement.

NCL and INF were printed and handout on site to representative. During this process, Mr. Polo got upset and walled away. We left the premises at that point.

Inspection Report will be send via e-mail.

See pictures attach.

Facility ID: 9809868

Inspection Comments

Inspection Photos

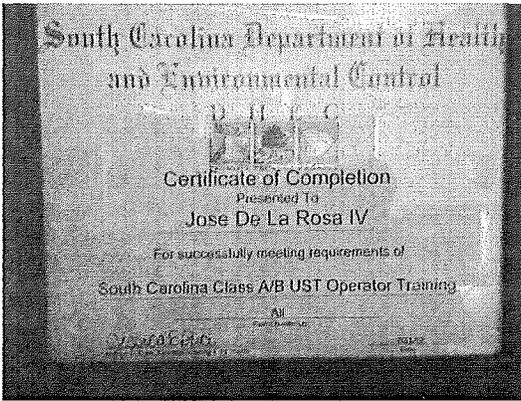
Added Date 10/14/2014

Dispenser Island.



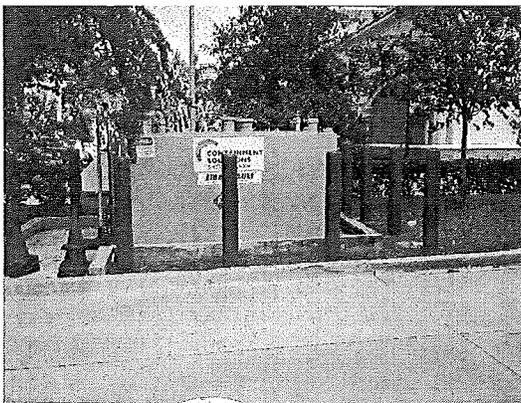
Added Date 10/14/2014

Operator License.



Added Date 10/14/2014

1000 Gal AST



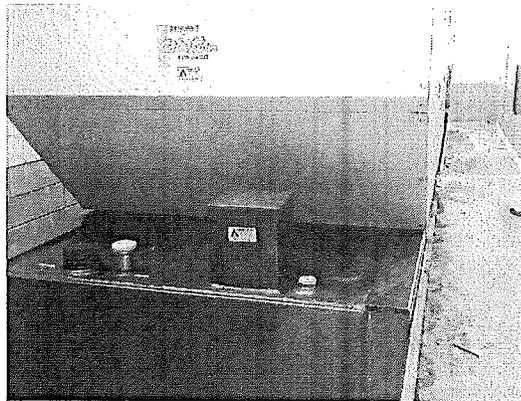
Added Date 10/14/2014

Tank Farm.



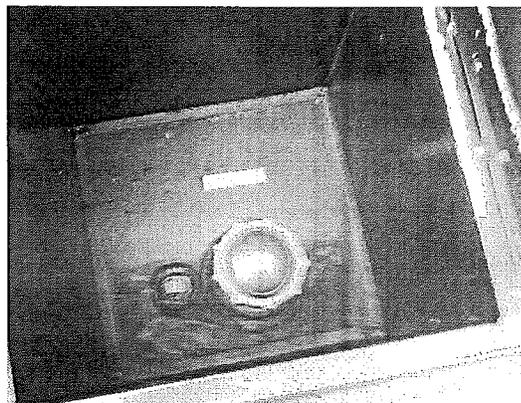
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12000 Gal AST



Added Date 10/14/2014

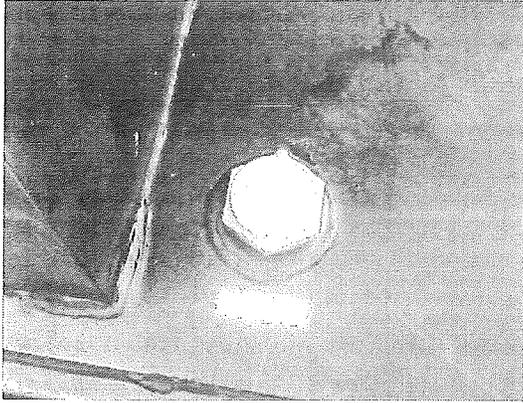
Fill-port on AST.



Facility ID: 9809868

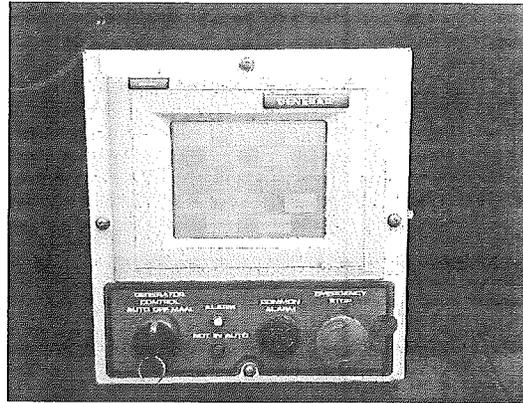
Added Date 10/14/2014

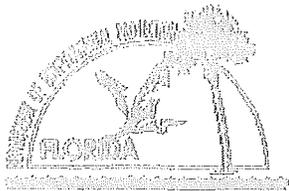
Fuel Gauge on AST.



Added Date 10/14/2014

Control Panel within AST Generator.





Discharge Report Form

PLEASE PRINT OR TYPE

DEP Form #: 62-761,908(1)
Form Title: Discharge Report Form
Effective Date: July 13, 1998

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

1. Facility ID Number (if registered): 9809868 2. Date of form completion: 10/14/14

3. General information

Facility name or responsible party (if applicable): COSTCO WHOLESAL
Facility Owner or Operator, or Discharger: Alex Polo
Contact Person: Alex Polo Telephone Number: (305) 964-4227 County: Miami-Dade
Facility or Discharger Mailing Address: 13450 SW 120th Street Miami, Florida 33186
Location of Discharge (street address): 13450 SW 120th Street Miami, Florida 33186
Latitude and Longitude of Discharge (if known) _____

4. Date of receipt of test results or discovery of confirmed discharge: 11/13/14 month/day/year 5. Estimated number of gallons discharged: 10

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 Hose on top of generator engine

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 Crack (Wear and Tear)

11. Actions taken in response to the discharge: Spill was contained with absorbent pads. Cliff Berry, Incorporated Environmental Services completed clean up including removal of diesel fuel and absorbent pads.

12. Comments: _____

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.

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

Ernest King
Signature of Owner, Operator or Authorized Representative,
or Discharger