

Memorandum



Date: August 19, 2015

To: Honorable Bruno A. Barreiro
County Commissioner - District 5

From: Carlos A. Gimenez
Mayor 

Subject: Notice of Environmental Contamination in Commission District 5

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 July 20, 2015 due to documented soil and/or groundwater contamination. Additionally, the site is in an area receiving city water service; therefore, their drinking water is not at risk from the groundwater potential 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:	Bay Garden Condominium
DERM File #:	UT-4914/File-12979/FDEP #9601579
Facility Address:	1250 West Avenue, Miami Beach, Florida in Miami-Dade County
Folio Number:	02-3233-048-0001
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, 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
- Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources
- Lee N. Hefty, Assistant Director, Division of Environmental Resources Management, Department of Regulatory and Economic Resources



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

July 20, 2015

Mr. Giuliano Speziani, Director
Bay Garden Manor Condo Assoc., Inc.
1250 West Avenue
Miami Beach, Fl. 33139

CERTIFIED MAIL No. 7013 2630 0001 8386 2886
RETURN RECEIPT REQUESTED

RE: Bay Garden Condominium facility (UT-4914/File-12979-DEP Facility ID #13/9601579), located at, near, or in the vicinity of 1250 West Avenue, Miami Beach, Miami-Dade County, Florida (Folio #02-3233-048-0001).

Dear Mr. Speziani:

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

On June 18, 2015, the Department of Regulatory & Economic Resources, Division of Environmental Resources Management (DERM) received the attached Discharge Reporting Form (DRF) as a result of a petroleum spill caused by a damaged underground product piping during construction operations which confirmed the presence of hydrocarbon contamination in the ground and/or groundwater of Miami-Dade County at the referenced facility.

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. 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 twenty-four (24) hours of receipt of this NOTICE, commence emergency response, including but not limited to free product removal, or interim source removal, as applicable, in accordance with Chapter 62-780.500, Florida Administrative Code (F.A.C.).

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3. Upon receipt of this NOTICE, immediately test the entire aboveground storage tank (AST) system and underground piping, including precision testing of the tanks and lines and hydrostatic testing of all sumps, fill ports and dispenser liners, as applicable, and submit the results to this Department within three (3) days of testing. The results may be sent via email to Kelly Dashtaki at Dashtk@miamidade.gov or via fax to her attention at (305) 372-6907.
4. If emergency response action or interim source removal is 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.
5. 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.
6. 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 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.
7. Within two hundred seventy (270) days of receipt of this NOTICE, submit to two signed and sealed copies 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.
8. 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.
9. 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.
10. Submit activity reports which describe the progress of the active remediation or monitoring activities at a frequency approved in the RAP or MOP.

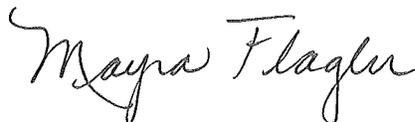
FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DERM COSTS INCURRED IN THE INVESTIGATION AND SETTLEMENT OF THIS CASE. IN ADDITION, FAILURE TO COMPLY MAY RESULT IN YOUR CASE BEING PREPARED FOR FORMAL ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTIONS 24-29 AND 24-30 OF THE CODE OF MIAMI-DADE COUNTY.

Mr. Speziani
UT-4914 File-12979
FDEP Fac. ID #13/9601579
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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,

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

Mayra Flagler, Manager
Environmental Evaluations – Delegated Programs

Enclosure(s): DRF

cc: DERM EDMS File / FDEP Oculus File



Discharge Reporting Form

PLEASE PRINT OR TYPE

DEP Form # 62-761.900(1)
Form Title <u>Discharge Reporting Form</u>
Effective Date _____

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

1. Facility ID Number (if registered): 9601579 2. Date of form completion: 6-18-2015

3. General information
 Facility name: Bay Garden Manor Condo. Assn. Inc
 Facility Owner or Operator: Bay Garden Manor Condo. Assn. Inc.
 Facility Contact Person: Nick Santoro Telephone number: (305) 672-0178 County: Dade
 Facility Mailing address: 1250 West Ave. Miami Beach FL 33139
 Location of discharge (facility street address): 1250 West Ave Miami Beach FL 33139
 Latitude and Longitude of discharge (if known): _____

4. Date of receipt of test results or discovery of confirmed discharge: 6-17-15 month/day/year 5. Estimated number of gallons discharged: UNK (<200)

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)

<input type="checkbox"/> Liquid detector (automatic or manual)	<input type="checkbox"/> Internal inspection	<input type="checkbox"/> Closure/Closure Assessment
<input type="checkbox"/> Vapor detector (automatic or manual)	<input type="checkbox"/> Inventory control	<input type="checkbox"/> Groundwater analytical samples
<input type="checkbox"/> Tightness test	<input type="checkbox"/> Monitoring wells	<input type="checkbox"/> Soil analytical tests or samples
<input type="checkbox"/> Pressure test	<input type="checkbox"/> Automatic tank gauging	<input checked="" type="checkbox"/> Visual observation
<input type="checkbox"/> Statistical Inventory Reconciliation	<input type="checkbox"/> Manual tank gauging	<input type="checkbox"/> Other _____

8. Type of regulated substance discharged: (check one)

<input type="checkbox"/> Unknown	<input type="checkbox"/> Used/waste oil	<input type="checkbox"/> Jet fuel	<input type="checkbox"/> Heating oil	<input type="checkbox"/> New/lube oil
<input type="checkbox"/> Gasoline	<input type="checkbox"/> Aviation gas	<input checked="" type="checkbox"/> Diesel	<input type="checkbox"/> Kerosine	<input type="checkbox"/> 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)

<input type="checkbox"/> Dispensing system	<input checked="" type="checkbox"/> Pipe	<input type="checkbox"/> Barge	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Vehicle
<input type="checkbox"/> Tank	<input type="checkbox"/> Fitting	<input type="checkbox"/> Tanker ship	<input type="checkbox"/> Railroad tankcar	<input type="checkbox"/> Airplane
<input type="checkbox"/> Unknown	<input type="checkbox"/> Valve failure	<input type="checkbox"/> Other Vessel	<input type="checkbox"/> Tank truck	<input type="checkbox"/> Drum

Other _____

10. Cause of the discharge: (check all that apply)

<input type="checkbox"/> Loose connection	<input type="checkbox"/> Puncture	<input type="checkbox"/> Spill	<input checked="" type="checkbox"/> Collision	<input type="checkbox"/> Corrosion
<input type="checkbox"/> Fire/explosion	<input type="checkbox"/> Overfill	<input type="checkbox"/> Human error	<input type="checkbox"/> Vehicle Accident	<input type="checkbox"/> Installation failure

Other _____

11. Actions taken in response to the discharge: PIPE BETWEEN AST AND BOILER BROKEN DURING PAVING ACTIVITIES. PIPE DISCHARGED TO UNPAVED AREA ON SOUTH SIDE OF BLDG. ER CONTRACTOR DISPATCHED. NO FLEET PRODUCT ON GROUND OR IN DRAINS. AREA COVERED AND SECURED PENDING ASSESSMENT.

12. Comments: _____

13. Agencies notified (as applicable):

<input type="checkbox"/> State Warning Point 1-800-320-0519	<input type="checkbox"/> National Response Center 1-800-424-8802	<input type="checkbox"/> Fire Department.	<input checked="" type="checkbox"/> County Tanks Program VIA EMAIL	<input type="checkbox"/> DEP (district/person)
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14. To the best of my knowledge and belief all information submitted on this form is true, accurate, and complete.

Griekano Speziani
 Printed Name of Owner, Operator or Authorized Representative

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

Treasurer, Bay Garden Manor