# Memorandum

MIAMI-DADE COUNTY

**Date:** September 28, 2015

**To:** Honorable Audrey M. Edmonson
County Commissioner - District 3

**From:** Carlos A. Gimenez
Mayor

**Subject:** Notice of Environmental Contamination in Commission District 3

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On March 3, 2009, the Board of County Commissioners adopted Resolution No. R-227-09 requiring their Commission offices be notified when environmental contamination is identified in their district by the Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM).

Pursuant to R-227-09, please be advised the attached letter was sent to the party responsible for site rehabilitation on August 27, 2015 due to documented soil and groundwater contamination. There is evidence of a direct exposure risk to the contaminated soils from the 0 to 2 foot intervals. However, the site is fenced in and the responsible party has been advised that said soils shall be addressed through the implementation of an appropriate engineering control (surface cap) Additionally, the site is on municipal water; therefore, their 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:

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|---|---|
| Subject | Environmental Contamination |
| Facility Name: | All Aboard Florida, LLC (Grand Central Station) |
| DERM File #: | File-NA/UT#7164 |
| Facility Address: | Parcels located south of NW 8th St., west of NW 1st Ave., north of NW 1st St. and east of the Metrorail (Lots A through D and Eastern Parcel), Miami, Florida in Miami-Dade County |
| Folio Number: | 01-4137-072-0050, 01-4137-072-0040, 01-4137-072-0030, 01-4137-072-0020, 01-4137-072-0010 and 01-3137-025-0011(partial) |
| 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 (RER) at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment

c: Jack Osterholt, Deputy Mayor/Director, RER
Lourdes M. Gomez, Deputy Director, RER
Lee N. Hefty, Assistant Director, DERM, RER

MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6700 F 305-372-6982
miamidade.gov

August 27, 2015

Mr. Michael P. Reininger, President
All Aboard Florida, LLC
2855 Lejeune Road, 4th Floor
Coral Gables, FL 33134

CERTIFIED MAIL NO. 7013 2630 0001 2415 5992
RETURN RECEIPT REQUESTED

Mr. Donald C., Robinson, President
All Aboard Florida, LLC
2855 Lejeune Road, 4th Floor
Coral Gables, FL 33134

CERTIFIED MAIL NO. 7013 2630 0001 2415 5985
RETURN RECEIPT REQUESTED

Re: Phase 1 Environmental Assessment Report (Phase 1) dated November 8, 2013 / Phase 2 Environmental Assessment Report (Phase 2) dated January 17, 2014 / Groundwater Sampling Report dated July 10, 2014 / Proposed Soil and Groundwater Sampling Plan dated July 22, 2015 and prepared by SCS Engineers for the All Aboard Florida "Grand Central Station" facility (UT#7164/File-NA) located at, near, or in the vicinity of the parcels south of NW 8th Street, west of NW 1st Avenue, north of NW 1st Street and east of the Metrorail (Lots A through D and Eastern Parcel), Miami, Miami-Dade County, Florida.

Dear Messrs. Reininger and Robinson:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced documents received July 15, 2015 and July 23, 2015, respectively. Be advised that the levels of groundwater and soil analytical results (i.e., PAHs, Arsenic, Lead and/or TRPH) submitted in this report constitute violations of Chapter 24, Code of Miami-Dade County (the Code), specifically, Sections 24-44, 24-27, 24-28, and 24-29 of the Code. Therefore, submittal of a Site Assessment Report (SAR) that includes, but is not limited to the following, is required:

1. DERM acknowledges that you have elected to pursue a No Further Action with Conditions (NFAC) Closure and that the subject site is currently under development for commercial and residential use. Note that soil contaminants of concern concentrations above the direct exposure residential and direct exposure commercial and leachability clean up target levels (CTLs) are documented at this site; therefore, an NFAC will require that an engineering control that prevents infiltration and human exposure be implemented. Additionally, for groundwater contamination that is contained within the property boundaries and limited to the immediate vicinity of the source area, and the area of the contamination is less than ¼ acre, it must be demonstrated to the Department by a minimum of one year of groundwater monitoring data and, if applicable, fate and transport modeling results, that the groundwater contamination is not migrating away from such localized source area (the plume is stable or shrinking). Therefore the following is required in pursuit of an NFAC:

    a. DERM does not object to the proposed installation and sampling of the fifteen (15) shallow monitoring wells depicted in Figure 3 of the Soil and Groundwater Sapling Plan. However, be advised that the Arsenic groundwater contamination (i.e., 110 ug/L) documented in monitoring well MW-G6 shall be horizontally and vertically delineated.

    b. Further soil assessment shall be conducted from applicable intervals in the following soil hot spot areas to determine the appropriate remediation requirements based on leachability concerns: CS-12 (Lead 4,000 mg/kg), A-1 (Arsenic 260 mg/kg), A-3 (Arsenic 240 mg/kg), A-5 (Arsenic 270 mg/kg), A-8 (Arsenic 180 mg/kg), A-9 (Arsenic140 mg/kg), A-12 (Arsenic 210 mg/kg), A-10 (B(a)P 4.0 mg/kg) and A-18 (Arsenic 190 mg/kg). Please include all lithology logs for said samples.

c. DERM does not concur with the proposal of assessing the soils at the eastern lot with only three soil borings. Therefore, a representative number of discrete soil samples shall be collected in a grid pattern from the 0 to 6 inch, 6 to 24 inch and each two foot interval thereafter to the water table for analysis of the proposed contaminants of concern (to include Volatile Organic Compounds).

d. DERM has observed extensive soil movement and removal at the site. Therefore, pursuant to DERM's email sent to SCS Engineers on July 1, 2015, a Soil Management Plan (SMP), Source Removal Report (SRR), copy of the Health and Safety Plan (HASP) and Dust Control Plan (DCP) shall be submitted to DERM within thirty (30) days of the receipt of this correspondence. Note the following:

   i. The SMP/SRR shall identify/describe: the location and depths of soils being removed, contaminated soil removal tracking, how soils are being stockpiled and stored, where they are being taken, when the manifests will be provided, etc. Proper disposal manifests along with the appropriate characterization analysis (TCLP, etc.) must be maintained for the applicable period of time required by law and provided to DERM for review.

   ii. The HASP shall comply with the applicable portions of 29 CFR 1910.120 and shall ensure the safety of on-site workers and off-site citizens.

   iii. The DCP shall describe the dust control measures being implemented at the site (e.g., covering of trucks containing contaminated soil loads, covering of stockpiles, tire washing, frequency and description of watering, installation of silt fencing, sweeping of streets, etc.).

e. Provide a scaled site map that clearly depicts the extent of the proposed engineering controls (ECs) in reference to all soil and groundwater samples, open and covered ground areas, source removal excavation areas, proposed building footprints and historical and proposed railroad lines and all other pertinent surface and subsurface site features (including property boundaries). Said map shall also include all proposed drainage features (catch basins, etc.) and utility lines.

Be advised that based on the information provided to address the comments noted above, the installation of wells to assess/monitor the groundwater in additional locations to address drainage and/or leachability concerns, etc. may be required. Please refer to the two attached documents for general information on drainage and dewatering at contaminated sites.

2. The submitted report identified the Children's Courthouse located to the west of the subject site's "Lot B" as a Recognized Environmental Condition (REC) because petroleum impacted soil was left in place at the eastern property boundary of said facility, abutting the subject site. Be advised that pursuant to DERM's records (i.e., Memorandum dated April 25, 2011), the contaminated soil and groundwater at the Children's Courthouse/City of Miami Chilled Water Line Facility (DERM Permit UT#2165/File-8366/FDEP#138841986) may extend off-site in the eastern direction. Therefore, the next submittal shall include information on the extent of the soil and groundwater contamination associated with said off-site facility and how said contamination will be addressed in conjunction with the elected closure option if the contamination has extended into your property boundaries.

3. The submitted report indicates that the water generated during the development of monitoring wells MW-A15, MW-B8 and MW-G6 on June 24, 2015 was not drummed for appropriate disposal. Note that the Arsenic results for the sampling of the TMW-G6 (located in the same vicinity of MW-G6) on December 14, 2013 and the sampling of MW-G6 on June 25, 2014 indicate that said concentration exceed the applicable Chapter 24, Code of Miami Dade County CTL. Therefore, please indicate how said purge water was disposed.

4. The Lithology Log for soil boring A-4 indicates that "ash" was noted at 1.75 feet below land surface. Please elaborate on said finding in the next deliverable.

5. As referenced in comment 1b. above, the Lead concentration (i.e., 4,000 mg/kg) for soil sample CS-12(0.5-2') represents an outlier concentration and exceeds the Total Soil Criteria listed in Table 1 of DERM's March 22, 2004 Soil Reuse Guidance document. Please indicate the status of said impacted soil (i.e., removed and disposed off-site, on-site in the same location, etc.). Note that soil that is classified as a Resource Conservation and Recovery Act (RCRA) hazardous waste is not suitable for reuse or disposal at any landfills or disposal facilities in Miami-Dade County. RCRA hazardous waste characterization by US EPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) analyses, followed by the appropriate analysis of the leachate, shall be performed when soil concentrations of the COCs exceed the Total Soil Criteria listed in DERM's guidance document noted above. The TCLP results shall be compared to the TCLP Criteria provided in Table 1 of said document. Any soil that exceeds the TCLP Criteria or is otherwise classified as a RCRA hazardous waste (e.g., listed waste, etc.) shall be disposed at a permitted hazardous waste treatment, storage and disposal facility in accordance with all applicable regulations.

6. The submitted report indicates that the subject facility consists of the following seven (7) folios: 01-0105-070-1040, 01-0106-040-1100, 01-0106-040-0110, 01-0107-070-1102, 01-0100-000-0295, 01-0100-000-0294 and 01-0100-000-0550 (only a portion and extending to Miami Avenue). However, the Miami-Dade County Property Appraiser's Office records indicate that the subject facility consists of the following six (6) folios: 01-4137-072-0050, 01-4137-072-0040, 01-4137-072-0030, 01-4137-072-0020, 01-4137-072-0010 and 01-3137-025-0011. Please clarify this discrepancy in the next deliverable and provide the correct folio numbers for the subject site.

7. Figure 7 provided in the Geophysical Survey indicates that an approximate 200' by 50' area located in the center of "Lot A" was not surveyed. Please clarify why this area was not surveyed in the next submittal.

8. The Chain of Custody Form provided for the 44 soil samples collected during the Phase 2 assessment indicates that said samples were collected as composite samples (i.e., noted as "C" on the form). Please clarify if the samples noted above were collected as discrete samples or composite samples.

9. Provide an analytical table that notes the results for all soil and groundwater samples analyzed for Volatile Organic Compounds.

10. The following corrections shall be made on the submitted site maps and analytical tables:

    a. The "B(a)PE" and TRPH concentrations noted for soil sample B-12(0-0.5'), the "B(a)F" concentration noted for soil sample A-3(0-5-2') and the "B(a)A" concentration noted for soil sample A-5(0-5-2') on Figure 4 do not match the concentration noted in the corresponding laboratory reports.

    b. The "VOC" and "VOH" concentrations noted for groundwater sample TMW-A12 (December 14, 2013) on Figure 3 do not match the concentration noted in the corresponding laboratory reports.

    c. The Acenaphthene concentrations reported for soil samples A-1(0-0.5'), A-1(0.5-2'), A-3(0-0.5'), A-3(0.5-2'), A-5(0-0.5'), A-10(0-0.5'), A-10(0.5-2'), A-18(0-0.5'), A-18(0.5-2'), A-21(0-0.5'), A-21(0.5-2'), A-22(0-0.5'), A-22(0.5-2') and the Total Benzo(a)pyrene Equivalents concentration for soil sample B-12(0-0.5') on Table 1 (submitted in the Phase 2) do not match the corresponding laboratory reports.

    d. The groundwater sampling results for the following wells were not included in the submitted tables: TMW-12A(10'), TMW-A21(10'), TMW-A22(10'), TMW-B13(10'), TMWC19(10'), TMW-C22(12'), TMW-A12(20') and TMW-C12(25').

11. Provide the Monitoring Well Construction and Development Logs and Groundwater Sampling Logs for the temporary monitoring wells installed and sampled in December 2013. Additionally, the Calibration Logs for the sampling of monitoring wells in December 2013 and June 2014 shall be provided.

DERM has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. The consultant collecting the samples must perform field sampling work in accordance with the Standard Operating Procedures provided in Chapter 62-160, Florida Administrative Code (FAC), as amended. The laboratory analyzing the samples must perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from the DERM split sample analysis, a complete re-sampling using two independent certified laboratories will be required.

DERM shall be notified in writing a minimum of three (3) working days prior to the implementation of the referenced plan. Email notifications shall be directed to DERMPCD@miamidade.gov. Please include the file number on all correspondence.

Based on the above, and pursuant to Sections 24-7(15), 24-7(26), and 24-44(2)(g) of the Code, you are hereby ordered to submit to this office for review, within thirty (30) days of the receipt of this letter, two copies of a SMP, SRR, HASP and DCP. A review fee of $950 shall be included with the submittal. Additionally, within sixty (60) days of receipt of this letter, submit two copies of a SAR, one paper and one electronic PDF on CD, prepared in accordance with Section 24-44(2)(j)(iv) of the Code. A review fee of $1350 shall be included with the SAR. Specific guidance for the preparation of the SAR may be downloaded from DERM's web page at: www.miamidade.gov/environment/pollution-remediation.asp.

Be advised that failure to comply with above orders may result in this case being prepared for formal enforcement action in a court of competent jurisdiction for appropriate legal action under the enforcement provisions of Chapter 24 of the Code of Miami-Dade County, Florida.

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 the above, please contact Didier Camacho (camacd@miamidade.gov) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,

Wilbur Mayorga, P.E., Chief
Environmental Monitoring & Restoration Division

dc
Enclosures(2): DERM's March 10, 2010 Drainage Plans for Contaminated Sites and March 10, 2010 Dewatering at Contaminated Sites
ec: Ms. Lisa Smith, Technical Advisor, SCS Engineers, lsmith@scsengineers.com
Mr. Robert Alan Speed, Project Director, SCS Engineers, rspeed@scsengineers.com
Mr. Dave T. Jacobs, P.G., Senior Project Director, SCS Engineers, djacobs@scsengineers.com
Ms. Annie Weizenecker, Assistant PM, All Aboard Florida, LLC, annie.weizenecker@allaboardflorida.com

MIAMI-DADE COUNTY

*DERM*
*POLLUTION REMEDIATION SECTION*
*TECHNICAL GUIDANCE*

# DRAINAGE PLANS FOR CONTAMINATED SITES

03.10.10

MINIMUM REQUIREMENTS

The appropriate location of drainage structures is essential in preventing the movement of contaminant plumes into previously uncontaminated areas. All drainage installations at contaminated sites shall be reviewed and approved by the DERM's Pollution Remediation Section prior to construction. The scope of work provided by the PRS review is limited to evaluate the location of the proposed drainage system in reference to the contaminated areas. Approval from other departments, and/or sections and other governmental agencies having jurisdiction over the scope of work must be obtained prior to the implementation of the project. The following information is required:

1) The location of the contaminant plume(s) in reference to the area of the proposed drainage structures must be included on the site plan. The plume(s) must be delineated both horizontally and vertically to applicable target cleanup levels in the drainage area. Monitoring wells, including identification numbers, must be shown on the plan.

2) Groundwater analytical results must be submitted with the plan including copies of laboratory analyses sheets. An updated groundwater sampling event may be required if sample results are greater than nine (9) months old. The sampling event must include all applicable parameters associated with the site's type of contamination.

3) The groundwater flow direction must be shown on the plan.

4) The location and detailed construction drawings of the proposed drainage structure must be included on the plan (e.g., piping depth, drainage well depth, etc.). Plans must specify the locations of solid and perforated sections of piping. Details of the existing system must be provided if the proposed drainage system ties into the existing drainage system.

5) A minimum of two (2) plan sets that include all of the information requested are to be submitted for the review (1 set will be placed in the PRS DERM file). All applicable pages of the drainage plan must be signed and sealed by a Professional Engineer registered in the State of Florida. The appropriate review fee (see below), made out to Miami Dade County, must be included with the plans.

PRS REVIEW FEES (see Fee Schedule at http://www.miamidade.gov/derm/paying_fees.asp)

- Site under one acre in size - $300.00
- Sites over one acre in size or projects that encompassed multiple contaminated sites - $300.00 plus $100.00 per additional acre or site encompassed by the project

MIAMI-DADE COUNTY

*TECHNICAL GUIDANCE*
*DERM*
*POLLUTION REMEDIATION SECTION*

# DEWATERING AT CONTAMINATED SITES
03-10-10

MINIMUM REQUIREMENTS

Dewatering activities are often conducted at contaminated sites (or in their vicinity) in order to perform aquifer pumping tests, underground utilities installation, underground tank and piping installations and repairs, among other construction related activities. All dewatering activities at contaminated sites must be coordinated with the DERM's Pollution Remediation Section prior to implementation. The scope of work provided by PRS review is limited to the predicted influent concentrations, treatment of the recovered groundwater and discharge. The PRS review does not evaluate the predicted flow rates or dewatering procedures and groundwater extraction equipment. Approval from other departments, and/or sections and other governmental agencies having jurisdiction over the scope of work must be obtained prior to the implementation of the project. Please contact the Water Control Section (WCS) of DERM at (305) 372-6681 pertaining to Class V Permit requirements for Temporary Dewatering Projects.

## PRS PLAN REQUIREMENTS

1. A dewatering proposal must be submitted to DERM's Pollution Remediation Section (PRS) accompanied by a review fee (refer below for applicable review fees), when disposal into the ground, groundwater, surface waters or the sanitary sewers system is intended. The proposal must include the following:

   a. A scaled site diagram showing the water withdrawal location(s) and the effluent disposal location(s).
   b. The groundwater extraction rates, operating schedule and overall duration of dewatering at each location.
   c. The radius of influence (ROI) of the dewatering operations (e.g., based on flow rate(s), duration, etc.).
   d. Current contaminant concentrations (within 9 months) from the areas to be encompassed by the dewatering operations and the groundwater disposal areas, when disposal into the ground or groundwater is intended.
   e. The method of contaminant treatment (when applicable) including technical specifications of the treatment system and expected system influent and effluent concentrations. Supporting calculations, bench or pilot test results, or data from similar applications may be submitted to support the treatment system removal efficiency. The design must be signed and sealed by a professional engineer registered in the State of Florida under Chapter 471, F.S.
   e. The effluent sampling frequency and analysis turnaround time. The treated water must be sampled at the beginning and throughout the operation of the dewatering activities to ensure that applicable standards are not exceeded.

2. Only a notification to the PRS is required if off-site disposal using a tanker tuck is intended. A DERM approved waste hauler must be used for disposal. No review fee will apply in this instance.

## I. ON SITE DISPOSAL:

1. For on site recharge of the dewatering effluent (infiltration gallery, swale, etc.), contaminated water must be treated to the applicable cleanup target levels (CTLs) specified in Chapter 62-777, Florida Administrative Code (F.A.C.), Chapter 24, the Miami - Dade County Environmental Protection Ordinance, or any other more stringent standards applicable to the site prior to disposal.

2. The treated dewatering effluent shall be discharged to an on-site area outside of the contaminant plume to avoid dispersing the plume. If the contaminant plume encompasses the entire site, then alternative disposal locations must be considered. Returning contaminated water to the original excavation is not an option.

3. The treated effluent must be sampled throughout the dewatering operations to ensure that applicable standards are not exceeded. A 24-hour turnaround time may be required for the processing of the samples in some instances. If at any time the effluent sampling results show levels of contaminants exceeding any of the applicable CTLs, the groundwater discharge should be immediately ceased and PRS notified.

## II. OFF SITE DISPOSAL

1. Discharge through off-site storm drainage structures or to surface waters:

   a. If discharging to a surface water body, a United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit must be also obtained. Further information regarding NPDES permitting for effluents impacted by petroleum contaminants, may be found in the FDEP Remedial Action Guideline BPSS-3. For effluents impacted by other than petroleum contaminants, the Florida Department of Environmental Protection must be contacted for the NPDES requirements.
   c. The dewatering effluent must be treated to the applicable cleanup target levels (CTLs) specified in Chapter 62-777, Florida Administrative Code (F.A.C.), Chapter 24, the Miami - Dade County Environmental Protection Ordinance, or any other more stringent standards applicable to the site prior to disposal.
   d. The treated effluent must be sampled throughout the dewatering operations to ensure that applicable standards are not exceeded. A 24-hour turnaround time may be required for the processing of the samples in some instances. If at any time the effluent sampling results show levels of contaminants exceeding any of the applicable CTLs, the groundwater discharge should be immediately ceased and the DERM notified.

2. Discharge to the sanitary sewer system:

   a. Approval from the appropriate municipality's water and sewer department (i.e., MDWASA) must be obtained.
   b. The effluent must be treated to the appropriate sanitary sewer standards, specified in Chapter 24 the Miami - Dade County Environmental Ordinance.
   c. A Sewer Capacity Certification Letter Application must be completed and approved by DERM Plan Review Section

3. Discharge to tanker truck:

   a. At the conclusion of the activities, disposal receipts must be submitted to the Pollution Remediation Section.

PRS REVIEW FEES (see Fee Schedule at http://www.miamidade.gov/derm/paying_fees.asp)

$300.00 – For a plan not including groundwater modeling or a contaminant treatment system
$750.00 - For a plan including groundwater modeling or a contaminant treatment system