Memorandum

MIAMI-DADE COUNTY

Date: November 9, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Notice of Environmental Contamination in Commission District 3

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, the attached correspondence was sent to the party responsible for site rehabilitation on September 3, 2015 due to documented soil and groundwater contamination. There is no evidence of a direct exposure risk to the contaminated soils because said soil areas are currently covered by concrete. 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:

Subject	Environmental Contamination
Facility Name:	Mana Wynwood Properties
DERM File #:	File-6713/IW5#7341
Facility Address:	2153 NW 2nd Avenue and 2145 NW 2nd Avenue, Miami, Florida in Miami-Dade County
Folio Number:	01-3125-051-0010 and 01-3125-051-0020
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, Division of Environmental Resources Management, Department of Regulatory and Economic Resources at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment

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

SR

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

September 3, 2015

CERTIFIED MAIL NO. 7013 2630 0001 2415 6036
RETURN RECEIPT REQUESTED

Mr. Moishe Mana
Mapton Holdings, LLC
2015 Coles Street
Jersey City, NJ 07310

Re: Phase 2 Environmental Assessment Report (Phase 2) dated July 13, 2015 and prepared by Langan Engineering & Environmental for the Mana Wynwood Properties facility (IW5#7341/File-6713) located at, near, or in the vicinity of 2145 NW 2nd Avenue (Folio # 01-3125-051-0020) and 2153 NW 2nd Avenue (Folio # 01-3125-051-0010), Miami, Miami-Dade County, Florida.

Dear Mr. Mana:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced document received August 24, 2015. Be advised that the levels of groundwater and soil analytical results (i.e., soils – Benzene, Isopropyl-benzene, Arsenic, Lead, and TRPH, groundwater - Isopropyl-benzene, 135-Trimehtyl-benzene, Benzene, Lead, Selenium and PAHs) 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) prepared in accordance with the Code is required. The SAR shall include, but is not limited to the following:

1. Pursuant to the September 3, 2015 meeting conducted between DERM, Fischman Law Firm, Langan Engineering & Environmental and Mana Wynwood, DERM does not object to further soil and groundwater assessment to delineate the horizontal and vertical extent of the soil and groundwater contamination, to include applicable off-site delineation. Note that the following is required:

    a. The submitted data indicates that soil samples for laboratory analysis were not collected from the following soil boring locations which had petroleum odors and/or Organic Vapor Analysis (OVA) readings greater than 1000 parts per million: DP-1, DP-2, DP-3, DP-4, DP-5, DP-10, DP-11, DP-12, DP-14 and DP-15. Please note that said locations/intervals shall be addressed during the horizontal and vertical delineation of the soil contamination.

    b. The submitted site map did not depict the extent/locations of existing or historical site features (i.e., repair bays, chemical storage areas, paint spray booth, etc.). Therefore, a scaled site map shall be provided that depicts all soil and groundwater sampling locations in reference to all existing and historical site features, open and covered ground areas, storm drains, building footprint, property boundaries and all other pertinent surface and sub-surface site features. Additionally, the Phase 1 report completed for the subject site by Keystone E-Sciences Group, Inc. in July 2012 shall be submitted and the location(s) of any recognized environmental concerns (RECs) shall be properly identified on the aforementioned site map.

    c. Based on the results of the assessment required above, provide a scaled site map that illustrates the degree and extent of groundwater contamination using sufficient isoconcentration lines to identify source area(s) as well as the extent of the plume(s) for the contaminants of concern. Provide supporting documentation for the technique(s) (e.g., Kriging, etc.) used in the development of the contours. Please note that one map shall be provided for each contaminant of concern.

d. Submit the Construction and Development Logs for all installed monitoring wells and the Lithology Logs for all soil borings. Additionally, the Calibration Logs for all sampling events shall be provided.

Please note that equipment calibration and soil/groundwater sampling shall be conducted in accordance with the Florida Department of Environmental Protections (FDEP's) Standard Operating Procedures (SOPs) for Field Activities (dated July 1, 2014 and available for download at: http://www.dep.state.fl.us/water/sas/sop/sops.htm) or the applicable analytical results and/or field readings may need to be appropriately qualified.

2. The submitted report states that a "subcontractor cut a 3 foot by 3 foot section of the slab in the northeastern corner of the shop, where a previous consultant suspected and underground storage tank (UST) had been installed. Langan did not see evidence of a UST". Please note that pursuant to the Phase 2 prepared by Universal Engineering Sciences (UES) in August 2012 and *partially* provided with Langan's Phase 2 report, upon inspection of a grouted fill port pipe in said location, it was "UES's opinion that the UST was previously abandoned in-place." The following is required:

   a. Provide a *complete* copy (to include laboratory reports, etc.) of the August 16, 2012 Phase 2 report prepared by UES.

   b. Further investigation as to whether a UST exists at the northeast corner of the subject site shall be conducted. Please note that if said UST currently exists at the subject site and closure documentation verifying that said UST was properly abandoned is not provided, then the appropriate abandonment and/or removal of said UST will be required. Note that Mr. Horacio Wong of DERM's Pollution Regulation Division (305-372-6600) shall be notified at least 72 hours before the closure of the UST system to schedule a DERM inspection.

   Be advised that based on the information provided to address comment 2a and 2b above, further soil and/or groundwater assessment shall be conducted in applicable areas.

3. The soil analytical results table shall include PAH, PCB and Isopropyl-benzene concentrations for applicable samples.

Be advised that the vertical and horizontal extent of the contaminant plume(s) shall be fully delineated. DERM has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. The consultant collecting the samples shall 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 shall perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from 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 any sampling or field activities. Email notifications shall be directed to DERMPCD@miamidade.gov. Please include the DERM 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 sixty (60) days of receipt of this letter, 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. Specific guidance for the preparation of the SAR may be downloaded from DERM's web page at: www.miamidade.gov/environment/pollution-remediation.asp. A review fee of $3,375 ($2,700 past due for the expedited review of the Phase 2 and $675 for the SAR pending submittal) shall be provided with the submittal.

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
ec: Mr. Daniel Spector, P.G., Langan Engineering & Environmental, dspector@langan.com
Mr. David Lederman, Attorney, Mana Wynwood, david@manawynwood.com
Mr. Bruce Fischman, Attorney, Fischman Law Firm, bruce@fhdlaw.com