

Memorandum



Date: January 5, 2016

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 23, 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 25, 2015 due to documented soil and groundwater contamination. The property is currently vacant and there is no concern of a direct exposure to the contamination soils. 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:	27 29 Assemblage – 13 Parcel North Block facility
DERM File #:	IW5-6572/F-6119
Facility Address:	2816 and 2830 NE 2 nd Ave; 116, 170 and 180 NE 29 th St; 115, 121, 125, 143, 149, 155 and 161 NE 28 th St, Miami, Florida in Miami-Dade County
Folio Numbers:	# 01-3125-004-0310, 01-3125-004-0320, 01-3125-004-0300, 01-3125-004-0290, 01-3125-004-0280, 01-3125-004-0270, 01-3125-005-0190, 01-3125-005-0210, 01-3125-005-0170, 01-3125-005-0081, 01-3125-005-0080, 01-3125-005-0060, 01-3125-005-0040, 01-3125-005-0011
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, RER Assistant Director, Division of Environmental Resources Management



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

November 25, 2015

CERTIFIED MAIL NO. 7013 2630 0001 2416 3058
RETURN RECEIPT REQUESTED

Robert M. Smither, Jr., President
Fifteen Adler Ehof Midtown, LLC
47 NE 36th Street, Second Floor
Miami, FL 33137

Re: Comprehensive Site Assessment Report (SAR)/SAR Addendum dated November 19, 2015 and prepared by CRB Geological and Environmental Services, Inc. (CRB), for the discharge discovered on November 6, 2014 for the 27 29 Assemblage - 13 Parcel North Block facility (IW5-6572/File-6119) located at, near, or in the vicinity of 2816 and 2830 NE 2nd Avenue, 116, 170, and 180 NE 29th Street, 115, 121, 125, 143, 149, 155, and 161 NE 28th Street (Folios # 01-3125-004-0310, 01-3125-004-0320, 01-3125-004-0300, 01-3125-004-0290, 01-3125-004-0280, 01-3125-004-0270, 01-3125-005-0190, 01-3125-005-0210, 01-3125-005-0170, 01-3125-005-0081, 01-3125-005-0080, 01-3125-005-0060, 01-3125-005-0040, 01-3125-005-0011), Miami, Miami-Dade County, Florida.

Dear Mr. Smither:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced document received November 19, 2015 (via electronic mail), inclusive of information dated November 4, 2014 through October 26, 2015 (received November 6, 2014 through November 19, 2015) and hereby approves the SAR, subject to the following conditions:

- 1. For the contaminated soils, all requirements as stated in the DERM letter dated November 16, 2015 shall be addressed (see attached). Note that the Source Removal Plan (SRP) inclusive of a Soil Management Plan (SMP), which includes but is not limited to, a Health and Safety Plan (HASP) and Dust Control Plan shall be submitted to this office for review and approval in the timeframe referenced in Comment #3 below.

Further, upon the completion of the source removal activities, monitoring well replacement in areas of documented groundwater and soil contamination shall be required (e.g., areas exceeding waste characterization limits - former area of TMW-17 and MW-12, etc.).

- 2. The Groundwater Summary Tables (i.e., Tables 3A and 3B) shall be revised to depict non-detects as the MDL utilized for the particular analyte, followed by the qualifier "U" (e.g., instead of "BDL" as shown for Anthracene, etc.). Please see the reporting requirements specified in the Florida Department of Environmental Protection (FDEP) "Quality Assurance and Related Issues" Memorandum dated May 14, 2007 (http://www.dep.state.fl.us/waste/categories/pcp/pages/pg_documents.htm for more guidance).

Be advised that DERM is unable to provide comments related to the conclusions about sources of contamination (as stated on pages 24-25) until additional groundwater assessment, including but not

Delivering Excellence Every Day

Mr. Smither
IW5-6572/File-6119
November 25, 2015
Page 2 of 2

limited to the requirements of the DERM October 14, 2015 Notice of Required Testing letter, has been completed.

Pursuant to the above, be advised that based on the discovery of contamination at the site, which constitute violations of Chapter 24, Code of Miami-Dade County (the Code), you are hereby required to submit to this office for review and approval the following:

3. Within one hundred twenty (120) days of receipt of this letter, two copies (one paper and one electronic PDF on CD) of a Source Removal Plan along with a Soil Management Plan (as stated in comment #1) prepared in accordance with Chapter 24, Code of Miami-Dade County, shall be submitted along with the applicable review fees (i.e., SRP \$950 and SMP \$750).
4. Within one hundred and eighty (180) days of receipt of this letter, two copies (one paper and one electronic PDF on CD) of a Remedial Action Plan (RAP) prepared in accordance with Chapter 24, Code of Miami-Dade County that proposes a course of action in order to remediate/address contamination along with the appropriate review fee.

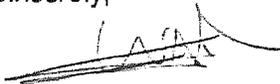
In addition to the above, please be advised that the \$675 review fee (\$337.50 plus an additional \$337.50 fee for an expedited review) for this review is pending. Please remit payment to Miami-Dade County Cashier (i.e., 701 NW 1st Ct, 3rd Floor) as soon as possible. The payment shall include the site name and reference the permit number, IW5-6572/File-6119.

Be advised that failure to adhere to the above-stipulated timeframe may result in enforcement action for this site.

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 Tammy Welch (welcht@miamidade.gov) of the Pollution Remediation Section at (305) 372-6700.

Sincerely,



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

tw
Enclosure

ec: Victor Rossinsky, P.E. – CRB, Inc., vrossinsky@crbgeo.net
Kerri Barsh, P.A. - Greenberg Traurig, BarshK@gtlaw.com



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

P.E. CERTIFICATION

Site Assessment Report (SAR) in support of a No Further Action with Conditions (NFAC), inclusive of information dated November 4, 2014 through October 26, 2015 (received November 6, 2014 through November 19, 2015) for the 27 29 Assemblage - 13 Parcel North Block, located at, near, or in the vicinity of 2816 and 2830 NE 2nd Avenue, 116, 170, and 180 NE 29th Street, 115, 121, 125, 143, 149, 155, and 161 NE 28th Street (Folios # 01-3125-004-0310, 01-3125-004-0320, 01-3125-004-0300, 01-3125-004-0290, 01-3125-004-0280, 01-3125-004-0270, 01-3125-005-0190, 01-3125-005-0210, 01-3125-005-0170, 01-3125-005-0081, 01-3125-005-0080, 01-3125-005-0060, 01-3125-005-0040, 01-3125-005-0011), Miami, DERM IW5-6572/File-6119.

I hereby certify that in my professional judgment, the components of this Site Assessment Report prepared for the December 3, 2013 petroleum product discharge discovered at the above-referenced facility satisfy the applicable requirements set forth in Chapter 62-780, Florida Administrative Code (F.A.C.).

___ I personally completed this review.

X This review was conducted by Tammy L. Welch working under my direct supervision.

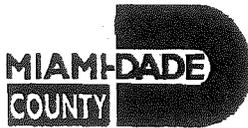
[Handwritten signature]

Wilbur Mayorga, P.E., Chief
Professional Engineer # 50625
Environmental Monitoring & Restoration Division
Miami-Dade County Division of Environmental Resources Management (DERM)

11-25-2015

Date

Delivering Excellence Every Day



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

November 16, 2015

CERTIFIED MAIL NO. 7013 2630 0001 2415 9051
RETURN RECEIPT REQUESTED

Robert M. Smither, Jr., President
Fifteen Adler Ehof Midtown, LLC
47 NE 36th Street, Second Floor
Miami, FL 33137

RE: Supplemental Site Assessment Report – Former Auto Service Area (Soil) dated October 28, 2015 and submitted by CRB Geological and Environmental Services, Inc. (CRB), for the 27 29 Assemblage – 13 Parcel North Block facility (IW5-6572/File-6119) located at, near, or in the vicinity of 2816 and 2830 NE 2nd Avenue, 116, 170, and 180 NE 29th Street, 115, 121, 125, 143, 149, 155, and 161 NE 28th Street, Miami, Miami-Dade County, Florida.

Dear Mr. Smither:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above referenced submittal, received October 28, 2015. Based on the review of the above-referenced document and the requirements of the approved soil sampling plan (dated September 15, 2015 via electronic mail), the following items shall be addressed:

1. The (0-6") interval of the former SB-89 and SB-95 (located in the grassy area at the southern perimeter of the Former Auto Service area) shall be sampled for VOAs, PAHs, TRPH, Arsenic, Lead, Cadmium, Chromium, and Barium as required in the approved September 15, 2015 sampling plan.

Be advised that if a No Further Action without Conditions (NFA) closure is still intended for soils, then the lower of the direct exposure residential soil cleanup target levels (CTLs) and leachability based soil CTLs based on the applicable groundwater CTLs shall be met. Additionally, if any concentrations exceed the total soil concentrations for toxicity characterization, then hazardous waste characterization by USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) analysis is required to confirm that TCLP hazardous waste characterization limit has been met.

2. TCLP analysis shall be conducted in the immediate vicinity of the following former soil borings to verify that the hazardous waste characterization limit for Lead is not exceeded (i.e., 5 mg/L):
 - a. SB-54 (2-4') interval (i.e., total Lead 127 mg/kg)
 - b. SB-85 (6"-2') interval (i.e., total Lead 164 mg/kg)

Be advised that if the results exceed the limit, then the areas for soil removal shall be adjusted to include these areas, as applicable (e.g., the area of source removal around SB-28 shall extend to SB-54, etc.). Said soils shall require excavation, proper segregation and disposal at a permitted hazardous waste treatment, storage and disposal facility. All work shall be conducted in accordance with all local, state and federal regulations.

3. The depth that groundwater was reached during soil sampling shall be provided. Based on the depth, additional soil sampling may be required.

Delivering Excellence Every Day

While not required for approval of the Site Assessment Report, please be advised of the following, if a NFA for soils is still intended for the site, as stated in the September 9, 2015 meeting held between DERM and site representatives:

4. Any soils (i.e., including all areas of the site) not meeting the above soil criteria as referenced in comment #1 (i.e., paragraph #2), shall be removed via source removal as stated in the DERM letter dated September 10, 2015. Therefore, the following is required:
 - a. Removal of all soils (at a minimum to a clean SB horizontally and vertically to the interval below contamination), as applicable based on the results of comment #1 and #2 above required sampling and as depicted in the shaded areas in Figures 4-6, 7C and 7D of the Supplemental Site Assessment Report dated August 13, 2015 submitted by PSI, Inc., received by DERM August 14, 2015.
 - b. Removal of all soils (at a minimum to a clean SB horizontally and vertically to the interval below contamination) in the immediate vicinity of SB-72 (6"-2') (i.e., total Lead 523 mg/kg), located in the former Paint Booth area.
 - c. TCLP analysis for Lead in the immediate vicinity of the following former soil borings:
 - i. SB-9 (2'-4') and (4-6') interval (i.e., total Lead 118 mg/kg and 320 mg/kg), Former Paint Booth area
 - ii. SB-23 (2-4') interval (i.e., total Lead 158 mg/kg), Former Paint Booth area
 - iii. SB-25 (4-6') interval (i.e., total Lead 287 mg/kg), Former Paint Booth area
 - iv. SB-19 (6"-2') interval (i.e., total Lead 141 mg/kg), Former Aboveground Lift/Stained Area/Formal Cuban Shine Paint Booth area

Note that if the hazardous waste characterization limit of 5 mg/L is exceeded, then said soils shall require excavation, proper segregation and disposal at a permitted hazardous waste treatment, storage and disposal facility. All work shall be conducted in accordance with all local, state and federal regulations.

5. Be advised that as stated in the DERM September 10, 2015 letter (see attached), a soil management plan is required to be submitted and reviewed by DERM prior to any source removal activities (see attached letter for requirements).
6. Further, be advised that additional approval from other departments, and/or sections and other governmental agencies (e.g., FDEP/EPA, etc.) having jurisdiction over the scope of work shall be obtained prior to the removal of any hazardous waste soils.
7. A Source Removal Report (SRR) shall be submitted within sixty (60) days of the completion of the source removal (SR) activities. Note that the above assessment may be conducted in conjunction with SR activities. The SRR shall include, but not be limited to, confirmation soil sample results that demonstrate the absence of contamination, copies of characterization results provided to the landfill operator in support of any disposed soil and the disposal manifests.

Please be reminded that a comprehensive SAR, including but not limited to, updated cumulative data tables (soil and groundwater), a cumulative historical groundwater elevation table and monitoring well

Robert M. Smither, Jr.
IW5-6572/File-6119
November 16, 2015
Page 3

construction table for all monitoring wells, maps for soil data per area (per COC) with exceedances, maps for groundwater data and updated groundwater flow contour maps (per COC) shall be submitted as soon possible to expedite SAR review and approval.

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 resampling 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.

Therefore, within thirty (30) days of receipt of this letter, you are hereby required to submit to DERM for review two copies of an addendum to the Site Assessment Report, one paper and one electronic PDF on CD, prepared in accordance with Section 24-44(2)(j)(iv), Code of Miami-Dade County, which shall address the above comments. A review fee of \$337.50 shall be included with the submittal.

Failure to adhere to the items and timeframes stipulated above may result in enforcement action for this site.

If you have any questions regarding this letter, please contact Tammy Welch (welcht@miamidade.gov) of the Pollution Remediation Section at (305) 372-6700.

Sincerely,



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

tw

Enclosure

pc: Victor Rossinsky, P.E. - CRB, Inc., vrossinsky@crbgeo.net
Kerri Barsh, P.A. - Greenberg Traurig, BarshK@gtlaw.com