

# Memorandum



**Date:** January 25, 2016  
**To:** Honorable Xavier L. Suarez  
County Commissioners - District 7  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Notice of Environmental Contamination in Commission District 7

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 Resolution No. R-227-09, be advised the attached letter was sent to the party responsible for site rehabilitation on December 22, 2015 due to documented soil contamination. The site is a fenced, vacant lot and therefore does not pose a direct exposure risk at this time. 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:	Broward Pinnacle, LLC
DERM File #:	File-5553/ IW5-5968
Facility Address:	4201 SW 70 <sup>th</sup> Court, Miami, Florida in Miami-Dade County
Folio Number:	30-4023-015-0020, 30-4023-015-0010 and 30-4023-015-0011 (Tentative Plat # T-23387)
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](mailto: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 (DERM),  
Department of Regulatory and Economic Resources



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

December 22, 2015

CERTIFIED MAIL NO. 7013 2630 0001 2419 3710  
RETURN RECEIPT REQUESTED

Chris Perry, Manager  
Broward Pinnacle, LLC  
69 Matthews Drive  
Hilton Head, SC 29926

RE: Site Assessment Report (SAR) dated November 4, 2015 and submitted by Nutting Environmental of Florida, Inc. (NEF) for the Broward Pinnacle, LLC (South) facility (IW5-5968/File-5553) located at, near, or in the vicinity of 4201 SW 70<sup>th</sup> Court (Tentative Plat # T-23387/#folio #s 30-4023-015-0020, 30-4023-015-0010 & 30-4023-015-0011), Miami, Miami-Dade County, Florida.

Dear Mr. Perry:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the referenced submittal, received November 9, 2015 and hereby disapproves it due to the following:

1. DERM acknowledges that a No Further Action with Conditions (NFAC) is the proposed closure option for the site. Therefore, pursuant to Section 24-44(2)(k)(ii), Code of Miami-Dade County (the Code), the following is required to reach site closure via NFAC:

The soil arsenic contamination shall be vertically and horizontally delineated to the property boundaries, and if necessary beyond, until the soil Residential Direct Exposure (DER) Cleanup Target Level (CTL) for arsenic, set forth in Sections 24-44(2)(f)(ii) and 24-44(2)(k)(i) of the Code, or the natural background concentration for arsenic, have been met. Be advised, if an engineering control (e.g., two feet of clean fill, asphalt pavement, concrete slab, etc.) is used in conjunction with an institutional control, then soils at the boundary of the engineering control shall meet the soil criteria referenced above.

2. Collect a confirmation sample from TMW-1 to be analyzed for arsenic in order to confirm the September 8, 2015 groundwater analytical results. Based on the results, additional soil and/or groundwater assessment may be required.
3. The SAR had the following deficiencies, which shall be corrected in the next submittal:
  - a. The report states to “[p]lease refer to Figure 7 for a depiction of the approximate background soil sample locations (as depicted in the DERM Memorandum).” However, “Figure 7” was not included in the report. Therefore, please include “Figure 7” in the next submittal.
  - b. Please submit a scaled site map illustrating the water-level elevations (calculated from a minimum of two measurements obtained at least one month apart) for each monitoring well and depicting the estimated contours and interpretation of groundwater flow direction.
  - c. Please submit the Construction and Development Logs for monitoring wells TMW-1 through TMW-3.
  - d. Provide a table that lists the top-of-casing elevations surveyed to the NGVD of 1929 or to the NAVD88, depth to groundwater, water-level elevations obtained at least twice, at least one month apart, and the dates the data were collected.

Chris Perry  
IW5-5968/F-5553  
December 22, 2015  
Page 2 of 2

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](mailto:DERMPCD@miamidade.gov). Please include the DERM file number on all correspondence.

Therefore, within sixty (60) 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 \$675 shall be included with the submittal.

Failure to adhere to the items and timeframes stipulated above 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 regarding this letter, please contact Caroline Wright ([wrightc@miamidade.gov](mailto:wrightc@miamidade.gov)) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,



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

cw

ec: Richard G. Lossi, P.E., NEF, [rickett@nef.cc](mailto:rickett@nef.cc)