

Memorandum



Date: January 20, 2022

To: Honorable Jean Monestime
Board of County Commissioners, District 2

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Notice of Environmental Contamination in Commission District 2

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, the Commissioner in whose Commission District the environmental contamination is located shall be notified of such.

The attached letter was sent to the party responsible for site rehabilitation on October 4, 2021, due to documented soil contamination (i.e., arsenic, and leachable dieldrin) and groundwater contamination (i.e., iron and dieldrin). The site is currently vacant commercial land; therefore, there is currently no evidence of an exposure risk to contaminated soils or to drinking water. The site is intended to be redeveloped for residential use. 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:	Vacant Site
DERM File #:	HWR-1125/F-NA
Facility Address:	NW 161 St and NW 6 th Ave., Miami, Florida in Miami-Dade County
Folio Number:	30-2113-036-0110
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 heftyl@miamidade.gov.

Attachment: Site Rehabilitation Order for Environmental Contamination

c: Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Lourdes M. Gomez, Director, Department of Regulatory and Economic Resources
Josenrique Cueto, Deputy Director, Department of Regulatory and Economic Resources
Lee N. Hefty, Assistant Director, Department of Regulatory and Economic Resources
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, Commission Auditor
Melissa Adames, Director, Clerk of the Board



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

October 4, 2021

VIA ELECTRONIC MAIL: lbaum@lvestellar.com

Paper copy will not follow by regular

Larry Baum
Beacon Square Rev. Stat Trust
3900 Pembroke Pines Road
Hollywood, FL 33021

Re: Limited Phase II Environmental Site Assessment (ESA) dated September 20, 2021, and prepared by Mechling Engineering & Consulting, Inc., (Mechling) for Vacant Land (HWR-1125/File-NA) located at, near, or in the vicinity of NW 161st Street and NW 6th Avenue, Miami, Miami-Dade County, Florida (Folio # 30-2113-036-0010).

Dear Mr. Baum:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced document received September 23, 2021. Be advised that the documented levels of Arsenic and leachable Dieldrin in soil and Iron and Dieldrin in the groundwater 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, further assessment is required.

1. The report states that the upper two feet of soil from twenty feet around the boundary of the site will be relocated to the interior of the site. DERM acknowledges that a No Further Action with Conditions (NFAC) closure option with engineering controls (EC) and institutional controls has been elected. Please note that a conditional closure will require that a Restrictive Covenant be recorded with the deed of the property. Additionally, if NFAC closure is chosen, it must be demonstrated that concentrations of the contaminants of concern (COCs) in soil and groundwater at the property boundary meet the applicable cleanup target levels (CTLs).
2. Please note, DERM's letter dated March 11, 2021, advised that sampling locations take into account the historical agriculture locations in the south and northeastern areas of the site, and the previous soil grading/movement that occurred at the site. However, the Phase II ESA indicates that soil assessment was only conducted at the boundaries of the site. Be advised, sampling locations should assess areas of former agricultural use and soil/grading infill areas. Additionally, DERM recommends that the Soil Management Plan (SMP) be submitted after additional assessment has been conducted for these areas to properly characterize soil conditions. However, if engineering controls will extend throughout the entire site, then the number of soil samples collected may be reduced. It is recommended that you submit a Sampling Plan in support of NFAC to DERM for review. Further, please provide a figure that shows areas of former agricultural use as well as soil/grading infill areas overlain by soil and groundwater sampling locations.
3. The report states that "data made available by the property owner indicated that no constituents of concern were detected in soil or groundwater samples at concentrations above the residential SCTLs, but that dieldrin was detected in several site composite samples at concentrations exceeding the Leachability SCTLs." The report also references a "July Proposal", which is the basis for this limited site assessment. However, while this data/proposal was referenced in the submittal, it was not included in the report. Please include any additional assessment data available for the site in the next submittal.

4. Dieldrin exceeded leachability criteria in composite Area 1 (0.041 mg/kg) and composite Area 2 (0.0061mg/kg) and arsenic exceeded the Miami-Dade County Minimum Variance Unbiased Estimate (MVUE) for Arsenic north of SW 88th Street in Area 1 ((A1-COMP 0–6) 5.7 mg/kg). DERM acknowledges that ten (10) discrete samples were taken from Area 1 and analyzed and A1-SB13 (0-6”) exhibited arsenic concentrations of 8.3 mg/kg. Additionally, DERM acknowledges that a statistical analysis of the ten discrete samples will be submitted in the next report. Be advised you have the option, if the samples which previously exceeded are still on hold at the laboratory, to analyze the samples for dieldrin leachability via the Synthetic Precipitation Leaching Procedure (SPLP) to demonstrate that leachate concentrations will not exceed the applicable groundwater cleanup target level (CTL). Be advised additional assessment may apply.
5. The Phase 2 ESA indicates that soil samples were collected from the 0-6”, 6-24”and 24-48” intervals. Please specify if soil samples were sampled to the water table and at what depth the water table was encountered. Furthermore, soil boring logs were not included in the report, please include all logs in the next submittal. Please note, for future sampling events, when applicable, soil samples shall be collected from 0-6”, 6-24”and 24-48” intervals and every two feet until the water table.
6. Dieldrin exceeded the groundwater cleanup target level (GCTL) at MW-7 (0.055ug/l), MW-8 (0.15ug/l), and MW-15 (0.70 ug/l). The report states “qualified concentrations were also found in MW-1, MW-9, MW-12, MW-14 and MW-15 which indicates the reported concentration is between the Method Detection Limit (MDL) and Practical Quantitation Limit (PQL) and therefore, dieldrin does not technically exceed the GCTL in these 5 samples”. However, please note, FDEP’s Guidance for the Selection of Analytical Methods and for the Evaluation of Practical Quantitation Limits (October 2004) should be used to evaluate the PQL. A recommendation for addressing the Dieldrin groundwater contamination in accordance with Section 24-44, Code of Miami-Dade County, shall be included in the next submittal.
7. Iron exceeded its Miami-Dade County Background MVUE in MW-5 (1440 ug/l), MW-6 (1210 ug/l), MW-9 (3420 ug/l), MW-10 (1800 ug/l), MW-12 (824 ug/l), and MW-14 (2660 ug/l). However, the report states that “where the final turbidity at time of sample collection was high, field-filtered samples were also collected from three of the wells”. Be advised, DERM does not accept filtered results. Therefore, for future sampling events for iron, a micro-purge and low-low flow sampling technique shall be used. Be advised you also have the option of conducting statistical analysis for iron to evaluate if the site concentrations are consistent with background concentrations for Miami-Dade County.
8. The following errors/deficiencies were noted and shall be addressed in the next submittal:
 - a. The groundwater sampling logs for MW-1 through MW-16 for the sampling event which occurred on August 11, 2021, were not included in the report.
 - b. The calibration logs for the sampling event were not included in the submittal.
 - c. Provide summary tables of all groundwater analytical results.
 - d. Soil boring logs were not included in the submittal.

Please provide all appropriate documentation (i.e., groundwater sampling logs, calibration logs, tables etc.) in the next submittal.

9. Be advised that all drainage and dewatering plans/installations at contaminated sites shall be reviewed and approved by DERM’s Pollution Remediation Section (PRS); attention Jackie Llano (Jackie.Llano@miamidade.gov). Please note, figures showing drainage/exfiltration trenches shall also be overlain with groundwater well locations and results.

10. If a teleconference is requested for this site, please contact Sara Jenkins (Sara.Jenkins@Miamiidade.gov) to schedule the call.

Provide all applicable documentation (i.e., soil boring logs, laboratory reports, chain of custody forms, etc.) in the next submittal. Be advised that depending on the results of the above required assessment and/or information provided, additional assessment may be required.

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.

Please be advised that electronically submitted reports that require a P.E. or P.G.'s sign and seal shall be signed and sealed in accordance with the applicable portions of Chapter 471, Florida Statutes (F.S.) and Rule 61G15, Florida Administrative Code (FAC) for P.E.s and in accordance with Chapter 492, F.S. and Rule 61G16, FAC, for P.G.s. If a report is electronically signed and sealed, then the corresponding "signature report", which contains a brief description of the documents being electronically signed and sealed along with the SHA-1 authentication code, shall be submitted. A scanned copy of the "signature report" may be submitted provided the licensee maintains a hard copy of the physically signed and sealed "signature report". Any document(s) that do not meet the minimum certification requirements will not be received for review until the document(s) have been properly signed and sealed.

Any portion of the site to be sold, transferred or dedicated (including for public right-of-way) shall be identified, and the receiving entity must be made aware of the contamination and accept any conveyance. If soil contamination, groundwater contamination, solid waste and/or methane will be addressed via a No Further Action with Conditions, each individual property owner will have to execute a restrictive covenant and each receiving entity must accept all applicable restrictions and responsibilities that are required following transfer of ownership. Please note that nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans. For proposed dedications, any soil, groundwater or surface water contaminants or solid waste and/or methane must be disclosed to the receiving County or Municipality applicable department at the earliest stage possible; the presence of any such contamination and/or solid waste and/or methane impacts or a delay in disclosure of such contamination or impacts could result in the County declining to accept the proposed dedication, the need for the developer to reconfigure or change previously approved site plans, or other changes to the proposed development.

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, a Site Assessment Report (SAR) prepared in accordance with Section 24-44(2)(j)(iv) of the Code along with a review fee of \$2176.88 (\$1350 for review of the SAR plus \$101.25 RER surcharge plus \$725.63 past due). Technical Reports (assessment, remediation, etc.) should be submitted via email to DERMPCD@miamidade.gov and/or Sandra.Rezola@miamidade.gov. For files too large for electronic transmittal, the public is requested to utilize Drop-Box or other equivalent.

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 concerning the above, please contact Sara Jenkins (Sara.Jenkins@miamidade.gov) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Mayorga', with a stylized flourish.

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

sj
cc: Jim Oliveros, joliveros@mechlingeng.com
F. Joseph Ullo, Jr., jullo@stearnsweaver.com