

Memorandum



Date: September 21, 2021

To: Honorable Jose "Pepe" Diaz
Board of County Commissioners, District 12

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Notice of Environmental Contamination in Commission District 12

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.

The attached letter was sent to the party responsible for site rehabilitation on July 2, 2021 due to documented PAH and TRPH soil contamination. The site is currently vacant; therefore, there is currently no evidence of a direct exposure risk to contaminated soils. No groundwater contamination has been documented at this time; therefore, no evidence exists that suggests their drinking water is at risk from groundwater contamination. The property is proposed for commercial use redevelopment. 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. Information regarding this case is noted below:

Subject	Environmental Contamination
Facility Name:	DACAR Management Atlas 12
DERM File #:	HWR-992/F-NA
Facility Address:	SW corner of NW 138 Street and West 36 Avenue, Miami, Miami-Dade County, Florida
Folio Number:	Folio No. 27-2029-001-0010 and 27-2029-001-0171
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 M. McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Lourdes M. Gomez, 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



July 2, 2021

miamidade.gov

VIA ELECTRONIC MAIL: amicha@dacar.us

Please note that a paper copy of this correspondence will not follow by regular mail.

Alberto Micha-Buzali
Atlas Hialeah 12, LLC
336 E Dania Beach Boulevard
Dania, FL 33004

Re: Soil/Muck Characterization Report for Soil/Muck Reuse Request dated May 3, 2021 and prepared by SCS Engineers for the Dacar Management – Atlas 12 facility (HWR-992/F-NA) located at, near, or in the vicinity of NW 138th Street and W 36th Avenue, Miami, Miami-Dade County, Florida (folio no. 27-2029-001-0010 and 27-2029-001-0171).

Dear Mr. Micha-Buzali:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced document received May 3, 2021. Please be advised that the levels of soil analytical results for PAHs and TRPH submitted in this report exceed the direct exposure residential soil cleanup target level (CTL), commercial/industrial soil CTL, and/or leachability based on groundwater criteria and constitute violations of Chapter 24, Code of Miami-Dade County (the Code), specifically sections 24-44, 24-28, and 24-29 of the Code. Therefore, additional assessment is required. DERM offers the following comments:

1. DERM acknowledges that based on the analytical results for each specific area, SCS Engineers proposes to reuse muck or soil as beneficial reuse either offsite as lakefill, onsite above the water table as an engineering control with a commercial/industrial land use restriction, or onsite above the water table beneath an engineering control. However, assessment and/or delineation for certain parameters is pending in areas targeted for reuse. For example, although the contaminants analyzed in Area 3, Area 4, Area 6 and Area 13 (i.e., total and SPLP arsenic, and SPLP ammonia) were below their respective CTLs, PAHs and TRPH in adjacent Area 5, Area 12 and Area 14 exceeded their respective CTL and have not been delineated in the direction of Area 3, Area 4, Area 6, and Area 13. As such, while delineation can be tailored to the closure endpoint (No Further Action with Conditions with engineering controls), soils proposed for offsite use as lakefill or onsite use as engineering controls require additional assessment to support the reuse request. Therefore, based on the findings of the additional assessment to be provided in a Site Assessment Report, DERM will comment on the reuse proposals.
2. TRPH and PAHs in Area 5, and PAHs in Area 11, 14, and 12 shall be delineated to support soil reuse proposals and address NFAC closure requirements. Please note that the second sample analysis of Composite A5 (0.5-1') for PAHs was laboratory qualified as "past/too close to the accepted holding time".
3. As noted in DERM's correspondence dated March 15, 2021, the assessment of stockpiles A1 and A2 in Area 1 and Area 2, respectively, shall include analysis for TRPH, PCBs, and VOCs as discrete samples. Additionally, assessment of Area 1 and Area 2 outside of the stockpile areas shall be conducted in accordance with DERM correspondence dated April 7, 2020.
4. The Area 5 assessment (for solid waste, etc.) and the assessment for soil stockpiles along the northern boundary of Area 5 were combined and analyzed as the same set of composite samples. Please provide the rationale for compositing the samples from the different historical land use areas. Based on the information provided, additional assessment may be required.

5. Assessment in Area 7 does not appear to have included soil samples collected from the areas where soils were stockpiled along the northern boundary of the site. Additionally, delineation of PAHs and TRPH shall be conducted to define the impacted contamination areas. Note that if contaminated soils are stockpiled for sampling, the sampling frequency shall be in accordance with DERM's Soil Reuse Guidance for Miami-Dade County dated March 22, 2004 (available for download at: https://www.miamidade.gov/environment/library/reports/rbca_soil_reuse.pdf).
6. As requested in DERM correspondences dated April 7, 2020 and March 15, 2021, Area 8 requires assessment for solid waste and shall be sampled for PAHs and TRPH. Additionally, please clarify which sample(s) in Area 8 were associated with the assessment for the abandoned vehicle. Further, identify the historical land use area of Area 8 (i.e., solid waste, papaya grove nursery, and abandoned vehicle) on a scaled figure along with the soil boring locations.
7. Area 9 through Area 12 and Area 14 documented TRPH above the leachability based on groundwater criteria. Therefore, additional assessment is required to confirm that the contaminated soil is not leaching into the groundwater. You have the option to conduct additional soil assessment (confirmation samples within 1-foot of original sample locations samples and if applicable leachability testing via the Synthetic Precipitation Leaching Procedure (SPLP), or TRPH speciation, may be conducted)) or install a representative number of groundwater monitoring wells and sample for TRPH for a minimum of one year.
8. DERM acknowledges that the responsible party would like to address benzo(a)pyrene total equivalent (BaPTEQ) concentrations that are above the residential direct exposure and/or commercial/industrial direct exposure soil CTL and below 3.1 mg/kg by implementing an institutional control (i.e., land use restriction) using an alternative commercial/industrial soil cleanup target level (ASCTL) for BaPTEQ of 3.1 mg/kg.
9. In the next submittal, provide scaled summary analytical figures.
10. In the next submittal, if applicable, provide a site plan that includes any proposed right-of-way dedications.
11. Disposal manifests for soil stockpiles removed from the site and disposed of shall be provided in the next submittal.

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, which shall address the above comments. A fee of \$1,451.25 (\$1,350 for the SAR review and a 7.5% RER surcharge) shall be included with the submittal. 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 FTP link. Please be advised that electronically submitted reports that require a Professional Engineer's (P.E.) or Professional Geologist's (P.G.) sign and seal shall be signed and sealed in accordance with the applicable portions of Chapter 471, Florida Statute (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.

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, 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.

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 NFAC, 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.

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 Maria Marquez (Maria.Marquez@miamidade.gov) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,



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

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cc: Troy Schick, SCS Engineers (TSchick@scsengineers.com)