

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE JANUARY 30, 2015 CONSENT AGREEMENT WITH MIAMI-DADE COUNTY'S DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT, IN A FORM ACCEPTABLE TO THE CITY MANAGER AND CITY ATTORNEY, TO POSTPONE THE REMEDIATION OF AN EXISTING HYDROCARBON DISCHARGE AT THE FLEET MAINTENANCE FACILITY LOCATED IN THE VICINITY OF 140 MACARTHUR CAUSEWAY FOR AN ADDITIONAL TWENTY-FOUR (24) MONTHS, FOR A TOTAL OF FIFTY-FOUR (54) MONTHS FROM THE CONSENT AGREEMENT'S EFFECTIVE DATE.

WHEREAS, on October 5, 1992, Miami-Dade County's Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management (DERM), discovered free-floating product, characterized as synthetic oil, associated with a discharge of the hydraulic lift pumps at the City's Fleet Maintenance Facility located in the vicinity of 140 MacArthur Causeway; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has deemed that the discharge is not eligible for clean-up as part of the State's Petroleum Cleanup Participation Program (PCPP); and

WHEREAS, in 2012, the FDEP determined that the site is not eligible for the PCPP; and

WHEREAS, the City's assessment of the discharge confirmed the localized presence of residual free product in the groundwater and of hydrocarbon derivatives in the soil at the Fleet Maintenance Facility that are not currently migrating off-site; and

WHEREAS, based on these results, RER DERM is requiring the City to continue site assessment activities, submit an Addendum to the Site Assessment Report, and pursue regulatory closure of the site; and

WHEREAS, the City is currently considering a redevelopment project for the property and combining the remediation work with the redevelopment activities would lower the remediation project costs, reduce unnecessary site disturbance, and facilitate access to contaminated soils near or under existing structures on-site; and

WHEREAS, RER DERM agreed to grant the City an extension to complete the remediation activities either as part of the site's redevelopment or a stand-alone project contingent upon the execution of a consent agreement; and

WHEREAS, the City and RER DERM executed a Consent Agreement on January 30, 2015 (Effective Date) which provided that the city would provide an Addendum to the Site Assessment Report (SAR) within thirty (30) months in July 2017; and

WHEREAS, the City is still in discussions regarding the potential redevelopment of the site and has requested a twenty-four (24) month extension of the original thirty (30) month period; and

WHEREAS, RER DERM has agreed to grant the City an additional twenty-four (24) month extension to the January 30, 2015 Consent Agreement, postponing the submittal of the Addendum to the SAR regarding the existing hydrocarbon discharge for a total of fifty-four (54) months from the Consent Agreement's Effective Date.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the execution of an Addendum to the January 30, 2015 Consent Agreement with Miami-Dade County's Department of Regulatory and Economic Resources, Division of Environmental Resources Management, in a form acceptable to the City Manager and City Attorney, to postpone the submittal of the SAR Addendum regarding an existing hydrocarbon discharge at the Fleet Maintenance Facility located in the vicinity of 140 MacArthur Causeway for an additional twenty-four (24) months, for a total of fifty-four (54) months from the Consent Agreement's Effective Date.

PASSED and ADOPTED this _____ day of _____, 2017.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5-30-17

Date