

ATTACHMENT 3

Composite of Hazardous Materials Correspondence

Overview

A summary of the historical Recognized Environmental Condition (RECs) on the property proposed for Coral Reef Commons project (CRC) is discussed below. Contaminant cleanup target levels (CTLs) in Florida are defined in 62-777 (Florida Administrative Code) F.A.C. However, 62-777.150(7) states that the CTLs are *default cleanup criteria* and that *deviations from the default cleanup criteria are allowed if approved by the Department* (Florida Department of Environmental Protection) *pursuant to applicable provisions of Chapters 62-713, 62-730, 62-770, 62-780, 62-782, and 62-785, F.A.C.* Phase II Environmental Site Assessment (Phase II Assessments) may provide conclusions as to whether or not contaminants are present, and recommendations for any further testing or remediation that may be required.

Historic Recognized Environmental Conditions on the Proposed CRC Property

The University of Miami (UM) Genetics Research Compound formerly utilized one 2,000-gallon capacity Underground Storage Tank for the storage of diesel fuel that was removed from the subject property in 2000; discharges were reported. A Site Assessment Report (SAR) was conducted, and a No Further Action (NFA) was subsequently recommended. In September 2000, Miami-Dade Department of Environmental Resource Management (DERM) requested additional soil sampling in the excavation area. A Supplemental SAR was conducted on the site in November 2000 that included the collection of an additional soil sample for laboratory analysis by United States Environmental Protection Agency (EPA) Method 8021 (volatile organic compounds). Ethylbenzene, toluene, total xylenes, and total recoverable petroleum hydrocarbons were all detected, but were below Soil Cleanup Target Levels (SCTLs) as established in Chapter 62-777, F.A.C. No other tested parameters were detected at or above their respective laboratory method detection limits. Based on the results of the Supplemental SAR, the Florida Department of Environmental Protection issued a Site Rehabilitation Completion Order on January 30, 2001. Although a Site Rehabilitation Completion Order was issued, total xylenes from the soil sample collected in the November 2000 Supplemental SAR exceeded its current leachability based SCTL of 200 micrograms per kilogram (ug/kg). Additional testing was conducted to assess this area. Soil and groundwater samples were collected for laboratory analysis by EPA Method 8260 for volatile organic aromatics, EPA Method 8270 for Polynuclear Aromatic Hydrocarbons, and laboratory analytical method FL-PRO for Total Petroleum Hydrocarbons. No tested parameters were reported in the soil or groundwater results above their respective Chapter 62-777, F.A.C. criteria. A NFA and Tank Closure report was issued, and this former Underground Storage Tank is now considered to be a historical recognized environmental condition in connection with the proposed CRC property.

An area of the property that was labeled as Parcel C (Area 3) by the U.S. Army Corps of Engineers, also known as “the donut hole”, is located in the south section of the proposed CRC property. The northwest corner of this area was the location of a former disposal area for laboratory wastes and medical research. Materials were disposed at this location from around 1946 to 1966, and waste encountered in this area included liquid scintillation cocktail vials, irradiated animal carcasses, paper, plastic, and glass, some of which were reported to contain low levels of radioactive waste. Assessment activities were conducted in 2003 and were overseen by the Nuclear Regulatory Commission. Naturally Occurring Radioactive Materials (NORM)

levels were reported; however, they were reported to be consistent with the national standard. Arsenic was also reported at this location in the soil above its DE-I SCTL. This report, however, was not submitted to DERM until 2010. In August 2010, DERM required additional excavation to determine the extent of any debris that was not excavated previously. The additional assessment was conducted in October 2010 and minimal debris was encountered in these areas. Therefore, NFA was recommended.

However, DERM indicated leachability-based SCTL exceedances for xylenes, aluminum and thallium were identified in this area. As a result, three monitoring wells that were installed during the 2003 assessment were sampled and two additional monitoring wells were installed. Thallium exceeded its Groundwater CTL (GCTL) in four monitoring well locations. As a result, in April 2011, a source removal was conducted to remediate the impact. Subsequent groundwater sampling and analysis reported thallium to be below its GCTL. DERM granted NFA status on June 2, 2011. As such, this area is considered to be a historical recognized environmental condition in connection with the property at this time.

In 2005, the DERM requested soil sampling for lead in the area of former structures on the donut hole based on the presence of lead-based paint on the former structures in this area. Soil samples collected reported lead in four sample locations that were above the Miami Dade County background level of 26 mg/kg, but below SCTLs. However, these samples were reanalyzed under a Synthetic Precipitation Leachate Procedure to determine the potential for lead to leach into the groundwater and the samples were compared to the GCTL for the lead (15 micrograms per liter [ug/L]). Lead exceeded its GCTL in all four samples. Subsequently, four groundwater monitoring wells were installed and groundwater samples were collected and submitted for laboratory analysis for lead. Lead was not detected above its GCTLs in the samples collected. DERM required quarterly monitoring of the wells in an effort to make certain that lead impact did not exist in the groundwater. Four groundwater sampling events occurred with the final sampling conducted in May 2011. Lead was reported below its GCTLs from all wells sampled during these sampling events. The DERM granted an NFA Status on June 2, 2011. As such, this area is considered to be a historical recognized environmental condition in connection with the property at this time.

Radionuclides have been reported in the soil and groundwater at the subject property. Solutions to Environmental Problems conducted assessment activities in 2003 and reported thorium-230 and lead-210 in the soil that were above the screening levels reported by the Nuclear Regulatory Commission. In 2006, a Phase II Environmental Site Assessment conducted on the subject property identified carbon-14, cesium-137, lead-210, thorium-230, tritium, and uranium-238 in soil above the EPA's human health risk limits or preliminary remediation goals (PRGs) and gross beta, carbon-14, and thorium-230 in the groundwater above PRGs. Subsequent to the 2006 Phase II Assessment, a NORM Background Study was conducted in July 2008. Review of this report indicates that a background study was performed to determine if the radionuclides are occurring naturally in the area of the subject property. The NORM study notes that background levels were determined for 12 radionuclides, and comparisons were made of the background levels to data collected from various portions of the UM South Campus (within the current subject property). Based on data collected and reviewed, the 2008 study concluded that the radionuclides on the property were naturally occurring and consistent with national and regional background levels. The report also concluded that the low levels measured at the site did not

“represent an elevated risk from human health or the environment and match levels expected to be present from normal geological and atmospheric processes”. One area was identified as having non-native materials, which was subsequently excavated and removed from the property for off-site disposal. A letter issued by the Florida Department Environmental Protection in March 2010 indicated that based on the removal activities in this area, no further assessment was necessary. As such, this area is considered to be a historical recognized environmental condition in connection with the property at this time.

In a Phase II Assessment conducted in 2006, impacts of iron and aluminum were reported in the groundwater above Chapter 62-777, FAC, GCTLs in the south section of the proposed CRC property. The 2006 Phase II Assessment reported these levels to be naturally occurring and no additional assessment was conducted. DERM issued a letter on December 20, 2011 indicating that based on recent sampling data collected in November 2011, DERM does not object to the removal of this groundwater restriction. The letter further states that the county’s background concentration of iron is 706 ug/L.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 30, 2001

Mr. Edward T. Foote, II, President
University of Miami
P.O. Box 248042
Coral Gables, Florida 33124-4624

Subject: Site Rehabilitation Completion Order
University of Miami South Campus facility
12500 SW 152nd Street
Miami, Miami-Dade County
(UT-3528/File-9398)
FDEP Facility ID# 139102348

Dear Mr. Foote:

The Miami-Dade County Department of Environmental Resources Management (DERM) has reviewed the Site Assessment Report (SAR) Addendum and No Further Action Proposal (NFAP) dated November 17, 2000 (received November 27, 2000), prepared and submitted by Branching Out, Inc., for the petroleum product discharge discovered on October 29, 1999 at this site. Documentation submitted with the NFAP confirms that criteria set forth in Rule 62-770.680(1), Florida Administrative Code (F.A.C.), have been met. The NFAP is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for petroleum product contamination associated with the discharge listed above, except as set forth below.

- (1) In the event concentrations of petroleum products' contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of petroleum or petroleum product occurs at the site, the Department of Environmental Protection (Department) may require site rehabilitation to reduce concentrations of petroleum products' contaminants of concern to the levels approved in the NFAP or otherwise allowed by Chapter 62-770, F.A.C.
- (2) Additionally, you are required to properly abandon all monitoring wells, except compliance wells required by Chapter 62-761, F.A.C., for release detection, within 60 days of receipt of this Order. The monitoring wells must be abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"
Visit Our Internet Site At: www.dep.state.fl.us/dwm/bureaus/bpss.htm

Printed on recycled paper.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department about the NFAP you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

- (1) File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or
- (2) File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within 21 days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Department's Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Mr. Edward T. Foote, II, shall mail a copy of the request to Mr. Edward T. Foote, II at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000,

within 21 days of receipt of this Order. Petitioner, if different from Mr. Edward T. Foote, II, shall mail a copy of the request to Mr. Edward T. Foote, II at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Section 120.54(5)(b)4.a., F.S. (1998, Supp.), and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an order responding to supplemental information provided pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).

Mr. Edward T. Foote, II
Page four

The FDEP Facility Number for this site is 139102348. Please use this identification on all future correspondence with the Department or the Miami-Dade County Department of Environmental Resources Management.

Questions

Any questions regarding the Miami-Dade County Department of Environmental Resources Management's review of your NFAP should be directed to Jeannie Lanio at (305) 372-6700. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 488-9314. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Michael E. Ashley, Chief
Bureau of Petroleum Storage Systems

MEA/jl

cc: Grace Rivera, FDEP - BPSS
Wilbur Mayorga, P.E. - Miami-Dade County DERM
Michael S. Burchell, Branching Out, Inc. 23300 SW 134 Avenue, Miami FL. 33032
File

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.

Jeannie Diestelhost
Clerk
(or Deputy Clerk)

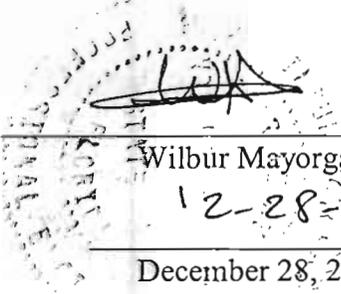
1-30-01
Date

P.E. CERTIFICATION

The Site Assessment Report Addendum/No Further Action Plan for University of Miami South Campus, DEP Facility No. 139102348, (UT-3528/File-9398) located at, near or in the vicinity of 12500 SW 152nd Street, Miami, Miami-Dade County, Florida has been reviewed. I hereby certify that in my professional judgment, the components of this Site Assessment Report Addendum/No Further Action Plan satisfy the requirements set forth in Chapter 62-770, F.A.C., and that the geological information contained within this report provides reasonable assurances of achieving the objectives stated in Chapter 62-770, F.A.C. However, I have not evaluated and do not certify aspects of this report that are outside of my area of expertise.

I personally completed this review

This review was conducted by
Jeannie Lanio working under my
direct supervision.



Wilbur Mayorga, P.E.

December 28, 2000



miamidade.gov

Department of Environmental Resources Management
Pollution Control Division
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6700 F 305-372-6982

June 2, 2011

CERTIFIED MAIL NO. 7010 1870 0000 2691 4002
RETURN RECEIPT REQUESTED

Dr. Kenneth Capezzuto
Office of EHS/University of Miami, South Campus
P.O. Box 016960 (R-23)
Miami, Florida 33131

CERTIFIED MAIL NO. 7010 1870 0000 2691 3999
RETURN RECEIPT REQUESTED

Kerri Barsh, Esq.
Greenberg-Traurig, P.A.
333 Avenue of the Americas, Suite 4400
Miami, Florida 33131-3238

RE: Response to DERM February 16, 2011 Correspondence and Results of Soil Groundwater Verification Sampling report dated April 11, 2011 and Fourth Quarterly Groundwater Monitoring Report and No Further Action Plan (NFAP) dated May 2, 2011 and prepared by Hydrologic Associates for the University of Miami South Campus facility (IW5-8065/File# 9398) located at, near, or in the vicinity of SW 127 Avenue and SW 152 Street (folio 30 5926 000 0035), Miami, Miami-Dade County, Florida.

Dear Mr. Capezzuto and Ms. Barsh:

The Environmental Assessment Section (EAS) of the Department of Environmental Resources Management (DERM) has reviewed the analytical results received May 3, 2011, for the above-referenced site. Based on the information, no further remedial action is required by the Environmental Assessment Section at this time. This approval pertains only to that area of this site addressed in the above-referenced report and does not relieve responsibility for any other areas of this site that may be found to be contaminated. If subsequent evidence indicates that undiscovered contamination remains from a previous discharge or if a new discharge has occurred, then further action will be required to address the contamination.

You are required to properly abandon all monitoring wells. The monitoring wells must be abandoned in accordance with the requirements of Rule 62-532.500(4), Florida Administrative Code. Any monitoring wells remaining are the responsibility of the property owner(s) and must

Delivering Excellence Every Day

UM South Campus
IW5-8065 File-9398
June 2, 2011
Page 2 of 2

be equipped with tight-sealing, locking caps and maintained to prevent any direct discharge to the groundwater of Miami-Dade County.

If you have any questions regarding this letter, please contact Thomas Kux, P.G., (kuxt@miamidade.gov) of the EAS at (305) 372-6700.

Sincerely,



Wilbur Mayorga, P.E., Chief
Pollution Control Division

tk

pc: Jim Mccarthy, FDEP (Jim.McCarthy@dep.state.fl.us)
Jim Miller, P.E., HAI (jmiller@haimiami.com)



Carlos A. Gimenez, Mayor

Permitting, Environment and Regulatory Affairs

Environmental Services
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6700 F 305-372-6982

miamidade.gov

December 20, 2011

CERTIFIED MAIL NO. 7011 0470 0002 4384 1392
RETURN RECEIPT REQUESTED

Dr. Kenneth Capezzuto
Office of EHS/University of Miami, South Campus
P.O. Box 016960 (R-23)
Miami, Florida 33131

CERTIFIED MAIL NO. 7011 0470 0002 4384 1408
RETURN RECEIPT REQUESTED

Kerri Barsh, Esq.
Greenberg-Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

RE: Request for Release of Deed Restriction-Sampling Data letter dated December 5, 2011 and submitted by Greenberg Traurig and Analytical Results of Manganese Report dated November 28, 2011 and submitted by Hydrologic Associates for the UM South Campus facility Parcels C (IW5-8065/File-9398) located at, near, or in the vicinity of the former Richmond Naval Air Station, SW 127 Avenue and SW 152 Street (folio 30 5926 000 0035), Miami, Miami-Dade County, Florida.

Dear Mr. Capezzuto and Ms. Barsh:

The Environmental Assessment Section (EAS) of the Department of Permitting, Environment, and Regulatory Affairs (DPERA) has reviewed the referenced submittals, both received December 7, 2011.

A Quit Claim Deed (CFN#20060018815) between the United States of America (Grantor) and the University of Miami (Grantee) is in effect, in part, for the above referenced Parcel C. Under Section 6, Environmental Protection Provisions, certain groundwater use restrictions are in effect based on the previously detected concentrations of manganese and iron in monitoring well RMW02 at levels exceeding applicable Florida groundwater cleanup target levels (GCTLs). Provisions within this section of the Quit Claim deed allow for the Grantee to take additional actions to allow for the Grantor to release the referenced groundwater use restrictions. Only the grantor can release the restrictions, however, it is also indicated that the concurrence of the local authority (DPERA, formerly the Miami-Dade County Department of Environmental Resources Management) is also required. Based on the available information

Delivering Excellence Every Day

Former Richmond NAS parcel C

IW5-8065 File-9398

December 20, 2011

Page 2 of 2

for this site, the re-sampling results for manganese, the background concentration of iron in Miami-Dade county of 706 ug/l, and in understanding that RMW02 was the only well formerly exceeding the applicable GCTLs, DPERA does not object to removing the groundwater use restrictions.

Please note that the folio numbers referenced in the Quit Claim deed do not correlate with the Parcel C in question. For clarification, the Parcel C referenced in this letter is under current folio 30 5926 000 0035. Therefore, the comments in this letter are only valid provided that the groundwater use restrictions were applicable in reference to the Parcel C folio described above.

If you have any questions regarding this letter, please contact Thomas Kux, P.G. (kuxt@miamidade.gov) of the EAS at (305) 372-6700.

Sincerely,



Wilbur Mayorga, P.E., Chief
Pollution Control Division

tk

pc: Jim Mccarthy, FDEP (Jim.McCarthy@dep.state.fl.us)

Paul Wierzbicki, P.G., FDEP (Paul.Wierzbicki@dep.state.fl.us)

Jim Miller, P.E., HAI (jmiller@haimiami.com)