



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

July 23, 2020

**CERTIFIED MAIL # 7018 3090 0002 0128 7646**  
**RETURN RECEIPT REQUESTED**

Mr. Scott Stubbs  
ESS-NYFL JV Florida Sub, LLC  
2795 East Cottonwood Parkway, #400  
Salt Lake City, Utah 84121

Subject: Remedial Action Plan Approval Order  
Speedway #6442  
900 East Sample Road  
Pompano Beach, Broward County  
FDEP Facility ID# 068502103  
Discharge Dates: March 1, 1988 (EDI) and December 18, 1998 (PLRIP)  
Involves UIC: Yes

Dear Mr. Stubbs:

The Petroleum Restoration Program (PRP) has reviewed the Limited Scope Remedial Action Plan (LSRAP) dated May 21, 2020 (received May 21, 2020), for the petroleum product discharges referenced above. We found all the documents submitted to date to be adequate to meet the RAP requirements of Rule 62-780.700, Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (Department) has determined that the actions proposed in this RAP represent a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-780, F.A.C. Pursuant to Paragraph 62-780.700(7)(a), F.A.C., the Department approves the LSRAP as described in this RAP Approval Order (Order). However, if it appears during LSRAP implementation that the remedial strategy is not effective, a request for modification of this Order, pursuant to Subsection 62-780.700(14), F.A.C., may be submitted to the Department, or the Department may require the preparation and submittal of a RAP Modification to enhance the active remediation. Depending on the nature of the system modification, the Department may revoke this Order.

Monitoring wells MW-7RR, MW-18, MW-19, MW-20, MW-23, MW-25, CW-1R, and DW-3 (temporary point of compliance) must be sampled on a quarterly basis during the first year of operation of the remediation system, and the samples must be analyzed for Benzene, Ethylbenzene, Toluene, Xylenes, MTBE and Polycyclic Aromatic Hydrocarbons. A written request for a modification of the temporary point of compliance monitoring wells to be sampled, sampling frequency, or sampling parameters, may be made after the first year of operation based on the analytical results obtained.

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The Department's approval of the LSRAP should not be construed that we have agreed to the costs and time frames described in the plan for funding by the PRP. Our review of the LSRAP at this time is to evaluate technical feasibility, effectiveness, compliance with required levels of groundwater treatment and air emissions concerns, and general cost-effectiveness of the proposed remediation strategy.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the addressee at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the addressee must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the addressee must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been

duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a). The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

#### Questions

Any questions regarding the PRP's review of the LSRAP should be directed to David Singleton, P.G. at 954-519-1429. Questions regarding legal issues should be referred to the Department's Office of General Counsel at 850-245-2242. Contact with any of the above does not constitute a petition for an administrative hearing or a request for an extension of time to file a petition for an administrative hearing.

The FDEP Facility Number for this facility is 068502103. Please use this identification on all future correspondence with the Department.

#### **EXECUTION AND CLERKING**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. Scott Stubbs  
FDEP Facility ID# 068502103  
Page 4  
July 23, 2020

**Natasha  
Lampkin**

Digitally signed by  
Natasha Lampkin  
Date: 2020.07.23  
13:50:55 -04'00'

Natasha Lampkin  
Program Administrator  
Petroleum Restoration Program

**Attachment(s):**

Air Sparging Aquifer Remediation Information

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

cc: Mr. Scott Stubbs, ESS-NYFL JV Florida Sub, LLC, 2795 East Cottonwood Parkway, #400, Salt Lake City, Utah 84121

ec: David Singleton, P.G., Broward County -- dsingleton@broward.org  
David Sheehan, P.E., Broward County -- dsheehan@broward.org  
Cathy McCarty, Division of Water Resource Management, MS 3530  
cathleen.mccarty@dep.state.fl.us  
Craig Cohen, P.E., Earth Systems, Inc. -- ccohen@earthsys.net  
Bryan M. Witt, Speedway - bmwitt@speedway.com  
Scott Furman, Sive, Paget & Riesel P.C. - sfurman@sprlaw.com  
Matthias Kellmer, Extra Space Storage - mkellmer@extraspaces.com  
Siné Eloi, Extra Space Storage - seloi@extraspaces.com  
Tina Uribe, Extra Space Storage - turibe@extraspaces.com  
File

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Judith Pennington  
Digitally signed by Judith  
Pennington  
Date: 2020.07.24 09:38:58 -04'00'

Clerk

Date

P.E. CERTIFICATION

Limited Scope Remedial Action Plan (LSRAP) dated May 21, 2020 (received May 21, 2020), for Speedway #6442, located at 900 East Sample Road, Pompano Beach, FDEP Facility ID# 068502103.

I hereby certify that in my professional judgment, the components of this LSRAP prepared for the March 1, 1988 and December 18, 1998 petroleum product discharges discovered at the above-referenced facility satisfy the requirements set forth in Chapter 62-780, Florida Administrative Code (F.A.C.), and that the engineering design features incorporated in this plan provide a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-780, F.A.C. However, I have not evaluated and do not certify aspects of this plan that are outside my area of expertise (including, but not limited to, electrical, mechanical, and structural features).

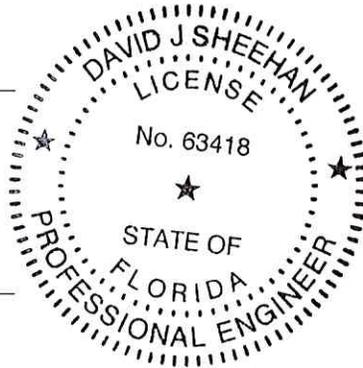
I personally completed this review.

This review was conducted by David Singleton, P.G.  
working under my direct supervision.



David J. Sheehan, P.E.  
Professional Engineer # 63418  
Broward County Environmental  
Engineering and Permitting Division

6/25/2020  
Date



**Memorandum**

**Florida Department of  
Environmental Protection**

TO: Cathy McCarty, P.G.  
Florida Department of Environmental Protection  
Bureau of Water Facilities Regulation  
Underground Injection Control Section – MS 3530  
2600 Blair Stone Road, Tallahassee, Florida 32399-2400

THROUGH: James Treadwell, P.E. JT 7/22/2020  
Petroleum Restoration Program  
MS 4540

FROM: David Singleton, P.G.  
(An employee of a contracted local cleanup program)

DATE: June 26, 2020

SUBJECT: **In Situ Air Sparging Aquifer Remediation Well(s) at a Petroleum Remedial Action Site**

Pursuant to paragraph 62-528.630(2)(c), F.A.C., inventory information is provided below to notify you of proposed Class V, Group 4, aquifer remediation well(s) to be constructed for groundwater remediation at a petroleum remediation site. The remediation system has been designed to inject atmospheric air only with no additional chemical additives.

Facility name: Speedway #6442  
Facility address: 900 East Sample Road  
City/County: Pompano Beach, Broward County  
Latitude/Longitude: 26° 16' 29.2412" N / 80° 6' 40.2961" W  
(of center of air sparging well field)  
FDEP Facility Number: 068502103  
Facility owner's name: ESS-NYFL JV Florida Sub, LLC  
Facility owner's address: 2795 East Cottonwood Parkway, #400  
Salt Lake City, Utah 84121

Well contractor's name: Earth Systems, Inc.  
(or environmental cleanup contractor responsible for design)  
Well contractor's (or environmental cleanup contractor) address: \_\_\_\_\_  
445 Lantana Road  
Lantana, Florida 33462

Cathy McCarty, P.G.  
Page 2 of 2  
Date: \_\_\_\_\_

Facility name: Speedway #6442  
FDEP facility no.: 068502103

The design of the treatment system consists of the following:

Design total air flow rate: 130 (cfm) at 19 (psi)  
Number of air sparging wells: 13  
Total estimated aquifer area affected by air sparging: 3,500 ft<sup>2</sup>

The air sparging wells will be installed in the surficial aquifer. The following is a summary description of the affected aquifer:

Name of aquifer: Surficial  
Depth to groundwater (feet): 7.5  
Aquifer thickness (feet): 150  
Areal extent of contamination (square feet): 3,500

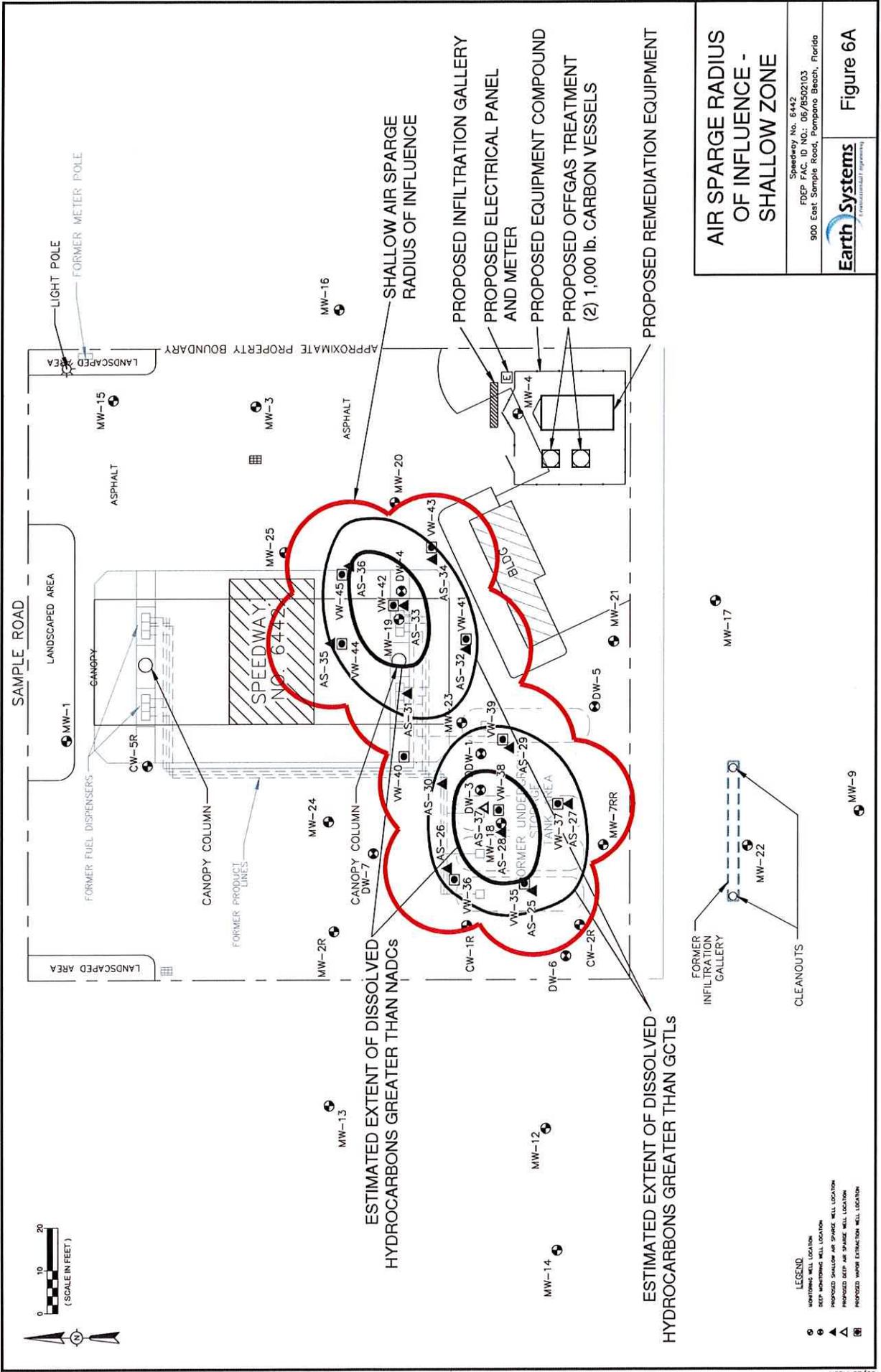
A site map showing the air sparging well locations and depicting composite radii of influence is attached. The air sparging wells will be designed as follows:

Number of wells: 12 shallow & 1 deep  
Diameter of well(s) (i.e., riser pipe & screen) (inches): 2  
Total range of depths of screened intervals of all air sparging well(s) (feet):  
30 to 35 feet below land surface (plus one 2-inch diameter deep well screened from 45 to 50 feet below land surface)

Note: As the site rehabilitation proceeds, it may be necessary to cease operation of some air sparging wells, modify air flow rates to other wells, or add additional wells based on changes in the extent and degree of groundwater contamination. Such changes to increase contaminated groundwater cleanup efficiency do not need to be reported to the UIC Section.

The RAP estimates that site rehabilitation will take two years.

The proposed remediation plan was approved on \_\_\_\_\_ by an enforceable approval order. A copy is attached. The remediation system installation is expected to commence within 60 days. Please call me at (954) 519-1429 if you require additional information.



ESTIMATED EXTENT OF DISSOLVED HYDROCARBONS GREATER THAN NADCs

ESTIMATED EXTENT OF DISSOLVED HYDROCARBONS GREATER THAN GCTLs

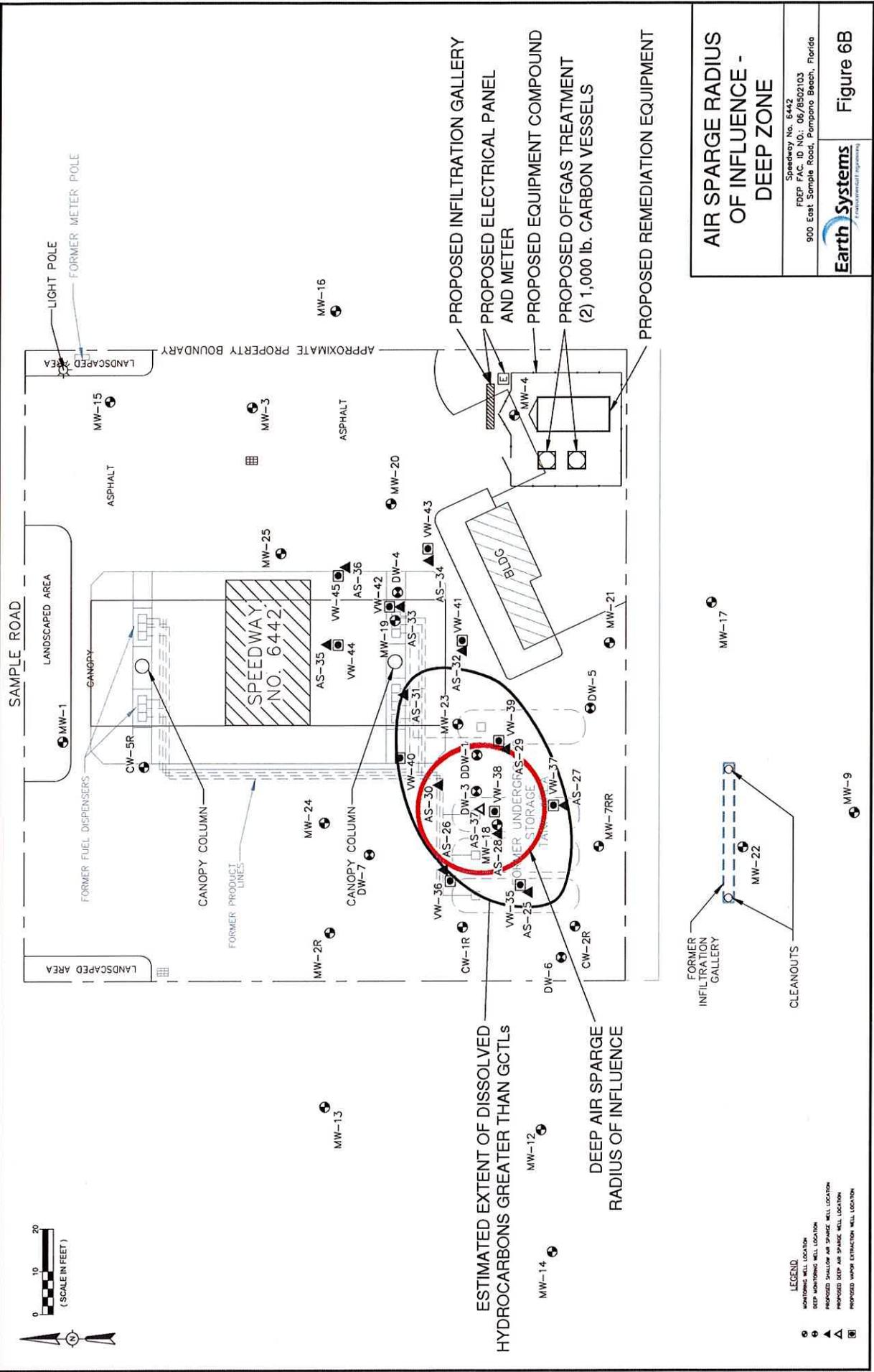
**AIR SPARGE RADIUS OF INFLUENCE - SHALLOW ZONE**

Speedway No. 6442  
 FDEP FAC. ID NO.: 06/8502103  
 900 East Sample Road, Pompano Beach, Florida

**Earth Systems**  
 Environmental Remediation

Figure 6A

- LEGEND**
- EXISTING WELL LOCATION
  - PROPOSED WELL LOCATION
  - ▲ PROPOSED INFILTRATION GALLERY WELL LOCATION
  - ▲ PROPOSED AIR SPARGE WELL LOCATION
  - ▲ PROPOSED OFFGAS TREATMENT VESSEL LOCATION
  - ▲ PROPOSED CARBON VESSEL LOCATION



**AIR SPARGE RADIUS OF INFLUENCE - DEEP ZONE**

Speedway No. 6442  
 FDEP FAC. ID. NO.: 06/8502103  
 900 East Sample Road, Pompano Beach, Florida

**Earth Systems**  
 A FLOW INTERNATIONAL CORPORATION

**Figure 6B**