



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

COMPLIANCE ASSISTANCE OFFER

July 2, 2014

SC Property Acquisition, LLC
c/o Ivette Batista, Project Manager
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

Dear Ms. Batista:

On June 25, 2014, a site inspection was conducted on property known as The Surf Club, owned by SC Property Acquisition, LLC, located approximately 768 feet north to 32 feet south of Department reference monument R-35, further described as 9011 Collins Avenue, Surfside, in Miami-Dade County. The site inspection revealed possible non-compliance with Department Special and General Permit Conditions. On December 5, 2013, the Department issued permit DA-631 to SC Property Acquisition, LLC, for the proposed construction of two multi-family dwelling structures, an understructure parking garage, four swimming pool structures, two relocated cabana structures, excavation and fill, and other structures and activities seaward of the Coastal Construction Control Line ("CCCL"). Under the excavation and fill section of the permit's project description, the permit authorized approximately 4,045.8 cubic yards of excavated fill material to be placed on-site, seaward of the Erosion Control Line ("ECL"), approximately 5,888.1 cubic yards of excavated fill material to be placed seaward of and adjacent to the project site seaward of the ECL, and approximately 14,131 cubic yards of excavated fill material to be placed off-site seaward of the ECL between Department reference monuments R-32 and R-36.

The authorized work was required to conform to all conditions of the permit. The possible non-compliance consists of failing to comply with Special Permit Condition 5, specifically Special Permit Condition number 5.1.4., which states that the placed excavated fill material shall not contain construction debris, metal, vegetation, organic soil, rocks, clay, toxic material or other foreign matter. Further, General Permit Condition number 1 (h) of the permit states in part that "All fill material placed seaward of the control line shall be sand which is similar to that already existing on the site in both coloration and grain size. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter..." In addition, item 5 under the Compliance and Remediation section of the approved Sediment QA/QC Plan for this permit states that all non-compliant fill shall be removed.

During the June 25th site inspection by Department staff, quantities of construction debris were found in the placed fill material seaward of the CCCL and ECL. The purpose of this letter is to provide the permittee, SC Property Acquisition, LLC, with compliance assistance as a means of resolving these matters.

In order to resolve this matter, the Department will require that all construction debris be removed from the placed fill material along the entire fill placement template seaward of the CCCL and ECL as soon as possible.

Therefore, within 30 days of receipt of this Compliance Assistance Offer letter, it is requested that a Remediation Plan be submitted outlining a method for removal of all debris from the placed fill material. The plan should provide specific information and details to mechanically remove the debris. In addition, it is requested that the Screening/Clearing and Grubbing Plan, referenced in Item 1 under the Excavation and Fill Procedures section of the approved Sediment QA/QC Plan, dated November 7, 2013, be submitted for staff review.

PLEASE BE ADVISED that this Compliance Assistance Offer is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request that you respond in writing within 14 days of receipt of this Compliance Assistance Offer advising the Department of your intentions in this matter.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

If you have any questions, please contact me by telephone at 850-245-7599 or by email at james.martinello@dep.state.fl.us. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Jim Martinello, Environmental Administrator
Division of Water Resource Management

cc: Celora Jackson, DWRM
Christian Lambright, SE District
Jason Andreotta, SE District
SC Property Acquisition, LLC
Michael Crotty, Town Manager, Town of Surfside