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BROWARD COUNTY BROWNFIELDS REDEVELOPMENT PROGRAM

2003 ANNUAL REPORT



Broward County Board of County Commissioners

Josephus Eggelation, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • Lori Nance Parrish • John E. Rodstrom, Jr. • James A. Scott • Diana Wasserman-Rubin
www.broward.org/dpep



DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION - Pollution Prevention and Remediation Division
218 S.W. 1st Avenue • Fort Lauderdale, Florida 33301 • 954-519-1260 • FAX 954-765-4804

BROWARD COUNTY BROWNFIELDS REDEVELOPMENT PROGRAM

2003 ANNUAL REPORT

INTRODUCTION

Florida's Brownfields Program began with the passage of the Brownfields Redevelopment Act (Act) by the Florida Legislature in 1997 (Chapter 97-277, L.O.F.). The Act defines brownfield sites as "sites that are generally abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination." The Act encourages the reuse and redevelopment of brownfield sites within designated brownfield areas. The Act also provided the framework for Florida's Brownfields Program to facilitate redevelopment of these sites while also providing for environmental cleanup and protection of the public health and the environment.

Broward County's Brownfields Redevelopment Program is currently administered by the Office of Urban Planning and Redevelopment (OUPR). However, the assessment and remediation of contamination at contaminated sites (including designated brownfield sites) in Broward County are managed by Broward County's Department of Planning and Environmental Protection (DPEP). On May 23, 2000, as authorized by F.S., the Florida Department of Environmental Protection (FDEP) delegated the administration of the Brownfields Program within Broward County to DPEP. This delegation provided a mechanism for DPEP and OUPR to work closely together to bring about both economic redevelopment and environmental cleanup of brownfield sites in Broward County.

BROWARD COUNTY'S BROWNFIELDS REDEVELOPMENT TASK FORCE

The Broward County Brownfield Redevelopment Task Force (Task Force) was created pursuant to County Commission Resolution No. 1998-16, which was adopted on January 13, 1998. The purpose of the Task Force was to identify all potential brownfield sites and serve as an advisory board providing guidance to persons interested in receiving a brownfield designation for an area. Sites deemed eligible for designation under the brownfield statutes by the Task Force will receive a letter of support that may be presented to the governing body considering the brownfield designation.

The Task Force operates by the following objectives:

- The development of jobs to improve economic opportunity in low-income neighborhoods.
- The assessment and cleanup of contaminated sites to improve the quality of life in low-income neighborhoods.
- Environmental protection through reuse and more efficient use of developed land in the urban core.
- Involvement of community residents and businesses in planning the future of their neighborhoods.

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- Encouraging participation of the private sector in accomplishing these goals by ensuring market-driven projects are developed.

DESIGNATED BROWNFIELD AREAS

There are eight (8) areas within Broward County currently designated as Brownfields. A summary of information about the designated areas, as required by Section 11.03.1(a) of the delegation agreement between the FDEP and Broward County DPEP, is contained in Appendix A.

Previously Reported Designated Areas

Six (6) designated areas have been reported in previous Annual Reports. They are the City of Pompano Beach Community Redevelopment Area, the City of Miramar decommissioned wastewater treatment plant site, the Lauderdale Lakes Studio site, the City of Dania Beach Uniworld site, the City of Lauderdale US441/SR7 Corridor, and the City of Hollywood Liberia Oakwood Hills.

Recently Designated Areas

Two (2) brownfield areas have been designated within Broward County during the 2003 reporting period. The Dania Motorcross site (060301000) and the MABB, LLC, site (060302000) were designated by the City of Dania Beach as brownfield areas by resolutions 2003-137 and 2003-138, respectively, on May 28, 2003. While the sites abut east to west, the City of Dania Beach chose to designate the areas separately. Both resolutions are contained in **Appendix B**; Geographic Information Systems (GIS) files for both areas were transmitted to the State Brownfield Coordinator on June 20, 2003.

The Dania Motorcross site has a physical address of 2600 SW 36th St and is comprised of approximately 12 acres. While currently occupied by a motor cross track, a redevelopment plan has been proposed to build a warehouse complex on the property. Groundwater contamination (aluminum and iron) remains on the property above applicable standards and is currently managed by the Florida Department of Environmental Protection pursuant to a Consent Final Judgment issued by the Circuit Court of the Seventeenth Judicial Circuit. A draft BSRA has been submitted to Broward County for review and negotiations are ongoing. The MABB, LLC, site has a physical address of 2740 SW 36th St and is comprised of approximately 3.6 acres. No existing contamination has been reported to Broward County on the MABB, LLC, site.

BROWNFIELD SITE REHABILITATION AGREEMENTS

Broward County's model (template) Brownfield Site Rehabilitation Agreement (BSRA) has undergone significant changes in the past year in order to reflect changes made by the Florida Department of Environmental Protection. The latest version of Broward County's model BSRA is contained in **Appendix C**.

2003 Broward County Brownfields Redevelopment Program Report

McArthur Dairy, BF060201001

The first BSRA in Broward County was executed during the 2003 reporting period. Broward County DPEP executed a BSRA with McArthur Dairy on June 11, 2003. The property is located at 1104 NW 40th Ave. in Lauderhill, which lies within that city's US441/SR7 Brownfield-designated corridor (Brownfield Area BF060201000). The McArthur Dairy site consists of 10.348 acres, and its approximate center is located at latitude 26° 08' 19" N and longitude 80° 12' 13" W.

The McArthur Dairy contains contamination resulting from two petroleum and one chlorinated solvent discharge. On June 13, 2003, the City of Lauderhill purchased the property from McArthur Dairy. While McArthur Dairy will remain the entity responsible for cleanup pursuant to the BSRA, the City of Lauderhill will perform certain redevelopment activities. A copy of the BSRA was transmitted to the State Brownfield Coordinator on June 12, 2003.

CONTACTS FOR BROWARD COUNTY'S BROWNFIELDS REDEVELOPMENT PROGRAM

Name	Agency	Address	Phone/Fax/Email
David Westbury, Brownfields Coordinator	Office of Urban Planning and Redevelopment	115 S Andrews Ave., Room A540 Fort Lauderdale, FL 33301	(954) 357-6676 fax (954) 357-5674 email: dwestbury@broward.org
David Vanlandingham, P.E.	DPEP – Pollution Prevention and Remediation Division	218 SW First Ave. Fort Lauderdale, FL 33301	(954) 519-1478 fax (954) 765-4804 email: dvanlandingham@broward.org
Rick Wilkins, Director	DPEP – Pollution Prevention and Remediation Division	218 SW First Ave. Fort Lauderdale, FL 33301	(954) 519-1260 fax (954) 765-4804 email: rwilkins@broward.org

APPENDIX A

**INFORMATION REGARDING BROWNFIELD-DESIGNATED AREAS WITHIN BROWARD
COUNTY**

Broward County Board of County Commissioners

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Brownfield-designated Areas within Broward County

The following is pertinent information about each designated brownfield site or area in Broward County required by Section 11.03.1(a) of the delegation agreement between the Florida Department of Environmental Protection (FDEP) and Broward County. Locations and Geographical Information Systems (GIS) data have previously been reported to FDEP and are available on FDEP's GeoViewer website at <http://gisweb2.dep.state.fl.us/dwm/brnfllds/geosearch.html>

City of Pompano Beach Northwest Community Redevelopment Area (CRA) Brownfield Area:

- Location: In the City of Pompano Beach bounded generally on the north by Copans Road, on the east by Dixie Highway, on the south by Atlantic Boulevard, and on the west by Powerline Road to the north and N.W. 31st Avenue to the south.
- Acreage: Approximately 3,084 acres.
- Designation Date: November 23, 1999
- Latitude and Longitude Coordinates: 26 degrees, 8 minutes, 23.0 seconds latitude by 80 degrees, 8 minutes, 34.0 seconds longitude.
- Datum Used: NAD 83/90
- Accuracy: GIS derived.
- FDEP Area ID: BF069901000
- Parcel ID Number: The brownfield area is the City of Pompano Beach's northwest CRA and contains hundreds of parcel ID numbers.
- Person Responsible for Brownfield Site Rehabilitation: Person responsible will be determined on a site by site basis as specific sites within the designated brownfield area come forward for redevelopment.
- Status: No sites within the area have been proposed for redevelopment as of yet.

City of Miramar Decommissioned Wastewater Treatment Plant Brownfield Site:

- Location: 7000 Miramar Parkway in the City of Miramar.
- Acreage: Approximately 7 acres.
- Designation Date: January 5, 2000

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- Latitude and Longitude Coordinates: 25 degrees, 58 minutes, 51.6 seconds latitude by 80 degrees, 13 minutes, 40.8 seconds longitude.
- Datum Used: NAD 83/90.
- Accuracy: GIS derived.
- FDEP Area ID: BF060001000
- Parcel ID Number: 1126-00-006 Broward County, Florida.
- Person Responsible for Brownfield Site Rehabilitation: Vernon Hargray, Public Works Director, City of Miramar.
- Status: Brownfield designation was based on the perception of contamination. Site does not have actual contamination. Therefore, a BSRA will not be executed.

City of Lauderdale Lakes Lauderdale Lakes Studio Brownfield Site:

- Location: 3200 Oakland Park Boulevard in the City of Lauderdale Lakes.
- Acreage: Approximately 21 acres.
- Designation Date: January 25, 2000
- Latitude and Longitude Coordinates: 26 degrees, 09 minutes, 50.4 seconds latitude by 80 degrees, 11 minutes, 20.4 seconds longitude.
- Datum Used: NAD 83/90
- Accuracy: GIS derived
- FDEP Area ID: BF060002000
- Parcel ID Number: 9230-19-003 and 9230-12-001 Broward County, Florida.
- Person Responsible for Brownfield Site Rehabilitation: Steve Gagnon, CEO, Entertainment Holdings.
- Status: Brownfield designation was based on the perception of contamination. Site does not have actual contamination. Therefore, a BSRA will not be executed.

2003 Broward County Brownfields Redevelopment Program Report

City of Dania Beach Uniweld Products Brownfield Area

- Location: 2850 Ravenswood Road in the City of Dania Beach
- Acreage: Approximately 3 acres.
- Designation Date: December 12, 2000
- Latitude and Longitude Coordinates: 26 degrees, 07 minutes, 02.0 seconds latitude by 80 degrees, 8 minutes, 12.0 seconds longitude (centroid).
- Datum Used: NAD 83/90
- Accuracy: GIS derived.
- FDEP Area ID: BF060003000
- Parcel ID Number: 0220-02-0120 Broward County, FL
- Person Responsible for Brownfield Site Rehabilitation: David S. Pearl, Owner and Principal, Uniweld Products, Inc.
- Status: Assessment and remediation of contamination is currently being performed pursuant to a Consent Order with FDEP. BSRA negotiations with Broward County have been suspended at the request of FDEP.

City of Lauderdale U.S. 441/State Road 7 Corridor

- Location: Bounded on the east side of State road 7/US 441 from 19th Street to Sunrise Blvd., on the west side of State Road 7/US 441 from 29th Street to Sunrise Blvd., 13th Street east to the city limits, north to the city limits, and back west to the original boundaries.
- Acreage: 504 Acres
- Designation Date: March 11, 2002
- Latitude and Longitude Coordinates: Provided to FDEP in 2002; see FDEP GeoViewer website.
- Datum Used: NAD 83/90
- Accuracy: GIS derived.
- FDEP Area ID: BF060201000

2003 Broward County Brownfields Redevelopment Program Report

- Parcel ID Number: The brownfield area is the City of Pompano Beach's northwest CRA and contains hundreds of parcel ID numbers.
- Person Responsible for Brownfield Site Rehabilitation: Person responsible will be determined on a site by site basis as specific sites within the designated brownfield area come forward for redevelopment. The first is the McArthur Dairy Brownfield Site (see below).

Dania Motorcross Brownfield Area

- Location: 2600 SW 36th St., Dania
- Acreage: 12 acres.
- Designation Date: May 28, 2003
- Latitude and Longitude Coordinates: 26 degrees, 04 minutes, 34 seconds latitude by 80 degrees, 10 minutes, 34 seconds longitude (centroid).
- Datum Used: NAD 83/90
- Accuracy: GIS derived
- FDEP Area ID: BF060301000
- Parcel ID Number: 504229010140, Broward County, Florida.
- Person Responsible for Brownfield Site Rehabilitation: South Florida Sports Committee, Inc.
- Status: Groundwater monitoring is being performed pursuant to a Consent Final Judgement issued by Circuit Court. BSRA negotiations with Broward County are ongoing.

MABB, LLC, Brownfield Area

- Location: 2740 SW 36th St., Dania
- Acreage: 3.6 Acres.
- Designation Date: May 28, 2003
- Latitude and Longitude Coordinates: GIS-related information previously supplied to FDEP; see FDEP GeoServer website.
- Datum Used: NAD 83/90

2003 Broward County Brownfields Redevelopment Program Report

- Accuracy: GIS derived
- FDEP Area ID: BF060302000
- Parcel/Property ID Number: 504229010640, Broward County, Florida.
- Person Responsible for Brownfield Site Rehabilitation: MABB, LLC
- Status: Brownfield designation was based on the perception of contamination. Site does not have actual contamination. Therefore, a BSRA will not be executed.

McArthur Dairy BSRA Site

- Location: Within Lauderhill-designated area at 1101 NW 40th Ave (N SR 7)., Lauderhill
- Acreage: 10.348 Acres.
- BSRA Execution Date: June 11, 2003
- Latitude and Longitude Coordinates: 26 degrees, 08 minutes, 19 seconds latitude north by 80 degrees, 12 minutes, 13 seconds longitude west (centroid).
- Datum Used: NAD 1927
- Accuracy: 5 meters
- FDEP Area ID: BF060201001
- Parcel/Property ID Number: 494136020010, Broward County, Florida.
- Person Responsible for Brownfield Site Rehabilitation: McArthur Dairy, Inc.
- Status: Remedial Action Plan Modifications have been submitted to Broward County; review pending. Site now owned by the City of Lauderhill.

APPENDIX B

**RESOLUTIONS FOR BROWNFIELD DESIGNATIONS OCCURING DURING 2003
REPORTING PERIOD**

Broward County Board of County Commissioners

Josephus Eggelleton, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • Lori Nance Parrish • John E. Rodstrom, Jr. • James A. Scott • Diana Wasserman-Rubin
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RESOLUTION NO. 2003- 137

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, DESIGNATING CERTAIN PROPERTY WITHIN THE CITY OF DANIA BEACH AS A 'BROWNFIELD' IN NEED OF SPECIAL ATTENTION BECAUSE OF THE PUBLIC PERCEPTION OF HAZARDOUS WASTE CONTAMINATION AND / OR THE EXISTENCE OF HAZARDOUS WASTE CONTAMINATION LEADING TO THE UNDER UTILIZATION OF THE PROPERTY LOCATED AT 2600 SW 36TH STREET (2600 COLLINS ROAD); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property having a civil street address of 2600 SW 36th Street (2600 Collins Road) is under utilized as a result of a public perception that the same is a contaminated site and / or the existence of hazardous waste contamination; and

WHEREAS, the Broward County Brownfield's Redevelopment Task Force voted to recommend to the City that the City adopt a resolution designating the subject property as an eligible Brownfield site.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this resolution;

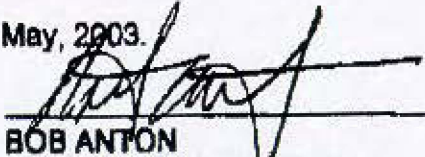
Section 2. DESIGNATION OF BROWNFIELD SITE: The property having a civil street address of 2600 SW 36th Street (2600 Collins Road), located at SW 26th Terrace and SW 36th Street in the City of Dania Beach, is hereby determined to be and designated as an eligible Brownfield site as a result of the following:

- a. The property is an industrial property under the City's land use and zoning regulations;**

Section 3. That all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict.

Section 4. That this resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 28th DAY OF May, 2003.


BOB ANTON
MAYOR-COMMISSIONER

ATTEST:

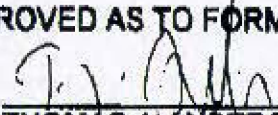

CHARLENE JOHNSON
CITY CLERK

ROLL CALL:

COMMISSIONER CHUNN - YES
COMMISSIONER FLURY - YES
COMMISSIONER MIKES - YES
VICE-MAYOR MCELYEA - YES
MAYOR ANTON - YES

APPROVED AS TO FORM AND CORRECTNESS:

BY:


THOMAS J. ANSBURO
CITY ATTORNEY

RESOLUTION NO. 2003 - 138

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, DESIGNATING CERTAIN PROPERTY WITHIN THE CITY OF DANIA BEACH AS A "BROWNFIELD" IN NEED OF SPECIAL ATTENTION BECAUSE OF THE PUBLIC PERCEPTION OF HAZARDOUS WASTE CONTAMINATION AND / OR THE EXISTENCE OF HAZARDOUS WASTE CONTAMINATION LEADING TO THE UNDER UTILIZATION OF THE PROPERTY LOCATED AT 2740 SW 36TH STREET (2740 COLLINS ROAD); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property having a civil street address of 2740 SW 36th Street (2740 Collins Road) is under utilized as a result of a public perception that the same is a contaminated site and / or the existence of hazardous waste contamination; and

WHEREAS, the Broward County Brownfield's Redevelopment Task Force voted to recommend to the City that the City adopt a resolution designating the subject property as an eligible Brownfield site.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this resolution;

Section 2. DESIGNATION OF BROWNFIELD SITE: The property having a civil street address of 2740 SW 36th Street (2740 Collins Road), located South of SW 36th Street, North of SW 42nd Street and West of SW 26th Terrace, in the City of Dania Beach, is hereby determined to be and designated as an eligible Brownfield site as a result of the following:

- a. The property is an industrial property under the City's land use and zoning regulations;**

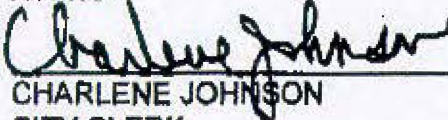
Section 3. That all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict.

Section 4. That this resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 28th DAY OF MAY, 2003.


BOB ANTON
MAYOR-COMMISSIONER

ATTEST:



CHARLENE JOHNSON
CITY CLERK

ROLL CALL:

COMMISSIONER CHUNN - YES
COMMISSIONER FLURY - YES
COMMISSIONER MIKES - YES
VICE-MAYOR MCELYEA - YES
MAYOR ANTON - YES

APPROVED AS TO FORM AND CORRECTNESS:

BY:


THOMAS J. ANSBRO
CITY ATTORNEY

APPENDIX C

**BROWARD COUNTY MODEL BROWNFIELD SITE REHABILITATION AGREEMENT
(BSRA)**

Broward County Board of County Commissioners

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www.broward.org/dpep

Name of PRFBSR
Brownfield Site Rehabilitation Agreement Instructions
BF Site ID #

Effective Date:
October 31, 2003

MODEL
Brownfield Site Rehabilitation Agreement (BSRA) and
Attached Instructions

FOR
BROWARD COUNTY, FLORIDA
DELEGATED LOCAL POLLUTION CONTROL PROGRAM

NOTE:

1. This model BSRA replaces any previously distributed BSRA models.
2. This model is the Brownfields Redevelopment Program template for sites within Broward County, Florida.
3. Submit two hard copies and an electronic copy of a draft BSRA with all attachments to the appropriate Broward DPEP staff for review (David Vanlandingham, 954 519-1478)
4. The model includes optional language for sites under existing Consent Orders with the FDEP.
5. Remove the Attached Instructions before finalizing the document.
6. If the page numbers appear correctly on the monitor but do not print correctly from Microsoft Word, turn off the field codes (paragraph symbol) and reprint. This extra step will provide a copy with the correct page numbers.
7. Changes were made to update phone numbers, contact names, web addresses, instructions on the recording of Latitude and Longitude coordinates in Paragraph 6, and reformatting of certain paragraphs.

Name of PRFBSR
Brownfield Site Rehabilitation Agreement
BF Site ID #

**BEFORE BROWARD COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**

**IN RE: [Insert Name of the Person Responsible For Brownfield Site Rehabilitation]
[Insert Brownfield Site Name]
[Insert Site Address, City, State, Zip Code]
[Insert Brownfield Area Name]
[Insert Brownfield Area Identification Number: "BFXXXXXXXXXX"]**

**BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes ("F.S.")**

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, Broward County ("County") has been delegated the authority to administer the Florida Brownfields Program on behalf of the State of Florida Department of Environmental Protection ("Department"), pursuant to §376.80(11), F.S., and the rules promulgated thereunder, Florida Administrative Code Rules (F.A.C.), Chapters 62-777 and 62-785; and;

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be completed; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This Brownfield Site Rehabilitation Agreement ("BSRA") is entered into between the County and _____, hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively as the "parties"), for the rehabilitation of a **brownfield area or a brownfield site {choose either an area or site}** within a designated brownfield area pursuant to §376.80(5), F.S. The County and the PRFBSR agree to the following:

1. DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

Broward County Department of Planning and Environmental Protection is the agency of the County with the authority and power to enforce the provisions of Chapters 403 and 376, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

_____ is the PRFBSR as defined in §376.79(13), F.S., for the real property described in the attached map and legal description, incorporated herein, that has been designated by the {Insert "City of" or "County of"} in Resolution Number {insert resolution number and date approved here} as a brownfield area as defined in §376.79(4), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and location map of the Brownfield Site; and (b) the {insert "city" or "county"} resolution with the map of the designated brownfield area and its legal description.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" as defined in §376.79(17), F.S., at the real property described in Attachment A;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule approved by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists who are registered in accordance with the requirements of §471, F.S., or §492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., certifying that the submittal and associated work comply with the laws, rules, and applicable ordinances of the County and the State of Florida and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., must certify that the corrective action was, to the best of his or her knowledge, completed in

substantial conformance with the plans and specifications approved by the County;

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-785, F.A.C., Brownfields Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels, adopted pursuant thereto;
- (f) to allow access by the County and the Department during the entire site rehabilitation process as evidenced by the attached documentation (see **Attachment C**), incorporated herein, establishing that site access has been secured in agreement with the PRFBSR. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall submit to the County within 15 days of the execution of the real property interest document (or if there is no written document, then 15 days from the date that such an interest is effective) a copy of an access agreement in substantially the same form as that in Attachment C with any successor in interest to the PRFBSR as owner of the Brownfield Site or with any party with an interest in the real property after the effective date of this agreement, granting such access to the County and the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in Attachment A.

4. **THE CONSENT ORDER (Optional language for Brownfield Sites under an Existing Department Consent Order; renumber accordingly and check paragraph cross-references.)**

(Insert the following paragraph for Consent Order sites) Upon the execution of this BSRA the terms and conditions of Consent Order **(insert Consent Order Number and execution date)**, as it pertains to corrective actions on the real property as described in Attachment A, will be held in abeyance and shall remain in abeyance, provided the PRFBSR is in compliance with the terms of this BSRA. In the event the County determines that the PRFBSR is not in compliance with the

terms and conditions of this BSRA, subject to the provisions of Paragraph 13 and 22 hereof, the terms and conditions of the Consent Order shall return in full force and effect.

5. CERTIFICATION

The PRFBSR has certified that a fully executed agreement exists between the PRFBSR and the local government with jurisdiction over the real property described in Attachment A. The executed agreement shall contain the terms for the redevelopment of the real property. A copy of the PRFBSR's certification is attached as **Attachment D**.

6. PROPERTY COORDINATES AND ACREAGE

The latitude and longitude coordinates in minutes, degrees and seconds, datum used, collection method, and accuracy of collection method used to determine the coordinates for the real property described in Attachment A are:

Latitude (in degrees, minutes and seconds): _____

Longitude (in degrees, minutes and seconds): _____

Datum Used (NGVD of 1929 or NAVD of 1988): _____

Collection Method: _____

Map Source (if applicable): _____

Map Source Scale (if applicable): _____

Object of Interest: _____

Relationship of Point to Object of Interest: _____

Coordinate Accuracy Level: _____

The property consists of _____ acres.

7. SITE CONTRACTOR

The PRFBSR must ensure that any contractor performing site rehabilitation program tasks at or for the Brownfield Site has provided documentation and

certification to the County that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be completed and attached as part of **Attachment E** to this BSRA, along with original copies of insurance certificates and all other documentation required below. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF and all other documentation required in this section are submitted to the County Brownfield Coordinator and approved by the County before the contractor begins performing any site rehabilitation tasks at the site. The PRFBSR must submit to the County documentation as Attachment F, which shows a National Environmental Laboratory Accreditation Program- ("NELAP") recognized authority has accredited the laboratory(s) performing analysis. The requirements are as follows:

- (a) documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, showing that the contractor:
 - (i) meets all certification and license requirements imposed by law; and
 - (ii) performs laboratory analysis pursuant to NELAP certification requirements and performs field sampling work in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended; and
- (b) certification to the County that the contractor:
 - (i) complies with applicable OSHA regulations;
 - (ii) maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law;
 - (iii) maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least \$1 million per occurrence and \$1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from performance of work under the Brownfields program, designating the state as an additional insured party;
 - (iv) maintains professional liability insurance of at least \$1 million per claim and \$1 million annual aggregate; and

- (v) has the capacity to perform or directly supervise the majority of the work at a site in accordance with §489.113(9), F.S.

8. CONTINUANCE OF COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 7** of this BSRA pursuant to the requirements of §376.80(6) and (7), F.S.

9. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. However, if an appropriate local advisory committee already exists in the designated area, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the executed brownfield site rehabilitation agreement. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the County for review, the PRFBSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, and contact numbers for all Advisory Committee members shall be included as **Attachment G**.

10. INDEMINIFICATION

The PRFBSR shall save and hold harmless and indemnify the State of Florida, the Department and the County against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA, resulting from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

11. PROFESSIONAL LIABILITY INSURANCE

Any professional engineer or professional geologist providing professional services relating to site rehabilitation program tasks must carry professional liability insurance coverage of at least \$1 million per claim and \$1 million annual aggregate in accordance with §376.80(8), F.S.

12. LIABILITY PROTECTION

The liability protection provided under §376.82 F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

13. FAILURE TO COMPLY

If the PRFBSR fails to comply with the provisions of this BSRA, the County will notify the PRFBSR in writing of any breach of this BSRA. The PRFBSR will have 90 days from receipt of the letter from the County to return to compliance or to negotiate a modification to this BSRA with the County for good cause shown. The 90-day grace period does not apply if an imminent hazard exists at the site. If such imminent hazard exists, the PRFBSR shall act immediately to abate the hazard. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, then the immunity provisions of §376.82, F.S., are revoked. **[Insert the following if a FDEP Consent Order is applicable: ...and the Consent Order ##### returns to full force and effect, except in the event of a force majeure, as described below, in which case such 90-day grace period shall be extended pursuant to subparagraph 14(a) below. After the 90-day grace period, the Consent Order ##### returns to full force and effect.]**

14. DELAY

If any event occurs that does not result in a breach of this BSRA but causes delay or the reasonable likelihood of delay in the achievement of the requirements of this BSRA, the PRFBSR shall have the burden of proving that the delay was or will be caused by circumstances beyond the reasonable control of the PRFBSR that could not have been overcome by due diligence. Upon occurrence of the event, PRFBSR shall, within 7 days, notify the County orally and in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which PRFBSR intends to implement these measures. However, if an imminent hazard exists the PRFBSR shall act immediately to abate the hazard.

If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the PRFBSR, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances, or 90 days if the delay results in a breach of

this BSRA, unless circumstances warrant more time in the opinion of the County. A letter from the County, to the PRFBSR, accepting or, if necessary, modifying the extension request shall confirm such agreement.

- (a) The PRFBSR shall adopt all reasonable measures to avoid or minimize any delay. Failure of the PRFBSR to comply with the notice requirements of this paragraph shall constitute a waiver of the right to request an extension of time for complying with the requirements of this BSRA. Increased costs of performance of the terms of this BSRA shall not be considered circumstances beyond the control of the PRFBSR.
- (b) If the County and PRFBSR cannot agree that any delay in the achievement of the requirements of this BSRA, including failure to submit any report or document, has been or will be caused by circumstances beyond the reasonable control of the PRFBSR, the PRFBSR may seek an administrative hearing or judicial determination of the issue pursuant to the provisions in **Paragraphs 23 and 24** of this BSRA.

15. **IMMINENT HAZARD**

Nothing herein shall be construed to limit the authority of the County to undertake any action in response to or to recover the costs of responding to conditions at or from the real property described in Attachment A that require the County to take action to abate an imminent hazard to the public health, welfare or the environment.

16. **RELEASE OF LIABILITY**

In consideration of successful completion of this BSRA, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for remediation of the real property described in Attachment A to the County, the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the real property described in Attachment "A."

[Insert the following paragraph if a Department Consent Order is applicable:
The Department will release the PRFBSR to Consent Order #####, and his or her successors and assigns, from its corrective action obligations pursuant to the Consent Order for the real property covered by this BSRA upon issuance of the Brownfields Site Rehabilitation Completion Order issued pursuant to this agreement.

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

17. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in Broward County, Florida.

18. SUBMITTALS

The PRFBSR shall submit two hard (paper) copies and one electronic (digital copy) of any certifications or documentation required in **Paragraph 7**, "Site Contractor" above, and all reports, plans, data, responses, addenda, or modifications to reports and plans required by this BSRA to the Director, Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Avenue, Ft. Lauderdale, FL 33301. All electronic copies of documents shall be in the format listed in Section 8 of the Instructions and attached as **Attachment H**.

Time-frames for the County's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the attached schedule (see Attachment "B"), incorporated herein. After final County approval of each report or plan, an electronic copy shall be submitted to the County within 30 days. The electronic copy of the report shall be submitted on Compact Disk (CD) for archiving purposes in the format listed in Attachment H.

19. DOCUMENT REVIEW

During the cleanup process, if the County fails to complete the review of a technical document within the time-frame specified in this BSRA, with the exceptions of requests for "no further action", "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the County to complete additional work on a previous task.

20. FEES

The County may charge and retain applicable fees for use in supporting the administration of the Brownfields Program. Any such fees shall be charged in

accordance with the current fee schedule that has been reviewed and approved by the Board of County Commissioners. Nothing in this provision shall preclude the County from charging and collecting administrative fees, investigative costs, or other costs incurred by the County resulting from performing enforcement and compliance functions. Nothing in this Agreement shall prohibit the County from seeking penalties, damages, costs, or attorney fees as provided by law or ordinance. All civil penalties and damages recovered by the County shall be deposited in a separate county fund that shall be used as set forth in Section 27-41 of the Broward County Code.

21. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the County and the local government with jurisdiction over the real property described in Attachment A provided; however, the County shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §378.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this Agreement; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

22. WAIVER

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the County's actions taken pursuant to this BSRA. Any action herein or in connection herewith shall be brought in Broward County, Florida. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

23. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of execution. Upon the timely filing of such petition, this BSRA will not be effective until further order of the County. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon

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execution of the brownfield site rehabilitation agreement. The procedures for petitioning a hearing are set forth below.

- (a) Persons other than the PRFBSR affected by this BSRA have the following options.
 - (i) If you choose to accept the County's decision regarding this BSRA, you do not have to do anything. This BSRA is final and effective 21 days after the date of execution.
 - (ii) If you choose to challenge the County's decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for hearing with the County (in the office of the Director of the Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301) within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with the County in an attempt to informally resolve any disputes without first filing a petition for hearing.

Or

- (2) File a petition for administrative hearing with the County (in the office of the Director of the Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301) within **21** days of receipt of this BSRA.

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

(b) 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 County may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed (received) with the County (in the office of the Director of the Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301), within **21** days of receipt of this BSRA. Petitioner, if different from the PRFBSR, shall mail a copy of the request to the PRFBSR 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.

(c) How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) with the County (in the office of the Director of the Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301), within **21** days of receipt of this BSRA. Petitioner, if different from the PRFBSR, shall mail a copy of the petition to the PRFBSR 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 §§120.569 and 120.57, F.S.

Pursuant to §120.54(5)(b)4, F.S. and §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (i) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the PRFBSR's name and address, if different from the petitioner, the Department's Brownfield Area and Brownfield Site Identification Numbers, and the name and address of the Brownfield Site;
- (ii) A statement of when and how each petitioner received notice of the County's action or proposed action;
- (iii) An explanation of how each petitioner's substantial interests are or will be affected by the County's action or proposed action;
- (iv) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (v) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the County's action or proposed action;
- (vi) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the County's action or proposed

action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

- (vii) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the County to take with respect to the County's action or proposed action.

This BSRA is final and effective on the date of execution. Timely filing a petition for administrative hearing postpones the date this BSRA takes effect until the County issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the County pursuant to meetings with the County.

24. JUDICIAL REVIEW

Any party other than the PRFBSR to this BSRA has the right to seek judicial review under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the County in the office of the Director, Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301, 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 BSRA is filed with the Director of the Pollution Prevention and Remediation Division, acting as Clerk.

25. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA or technical questions should be directed to:

Director, Pollution Prevention and Remediation Division
Department of Planning and Environmental Protection
218 SW 1st Avenue
Fort Lauderdale, FL 33301
(954) 519-1260

or to the PRFBSR's representative at:

**[Insert PRFBSR's representative name,
Mailing address, and
Phone number]**

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Questions regarding legal issues should be referred to the County Attorney's Office at the Office of County Attorney, 115 S Andrews Avenue, Fort Lauderdale, FL 33301. 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.

26. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

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IN WITNESS WHEREOF, each the parties have made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Broward County through the Director of its Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, authorized to execute same by the Board of County Commissioners, and _____, for the Person Responsible for Brownfield Site Rehabilitation, signing by and through its _____, duly authorized to execute same.

FOR THE COUNTY

BROWARD COUNTY, through its DIRECTOR OF POLLUTION PREVENTION AND REMEDIATION DIVISION, DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

Witnesses:

Print Name

{ _____ }

By _____
Richard G. Wilkins, Director

_____ day of _____, _____ (date)

Print Name

{ _____ }

Approved as to form by Office of County Attorney, Broward County, Florida
Edward Dion, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Assistant County Attorney

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**FOR THE PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION:**

Witnesses:

Print Name
{ _____ }

(Signature)
____ day of _____, _____ (date)

Print Name
{ _____ }

(Print Name)

(Title)

(Address)

(City, State, Zip Code)

(Telephone)

CC: Roger Register, FDEP - Tallahassee
Lee Hoefert, P.E., FDEP – SE District

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List of Attachments

Attachment A	Map and Legal Description of the Brownfield Area and Local Government Resolution
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Certification of Redevelopment Agreement
Attachment E	Contractor Certification Form and Insurance Certificates
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents

Remove the Attached Instructions before finalizing the document.

**BROWNFIELD SITE REHABILITATION AGREEMENT (BSRA)
INSTRUCTIONS**

For electronic copies of the latest Florida Brownfields Redevelopment Program Guidance Manual and examples of various forms used within the BSRA, visit the Web Site address:

http://www.dep.state.fl.us/waste/quick_topics/publications/brownfields/geninfo/guidance.pdf

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Section		Reference Page in Instructions
1	Map and Legal Description of the Brownfield Area, and Local Government Resolution	i
2	Brownfield Site Rehabilitation Schedule (Suggested Timeframes)	ii
3	Site (Area) Access Agreement	iv
4	Certification of Redevelopment Agreement	iv
5	Contractor Requirement Form and Insurance Certifications	iv
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12	Property Coordinates	ix

SECTION 1: ATTACHMENT A – MAP AND LEGAL DESCRIPTION OF THE BROWNFIELD AREA AND LOCAL GOVERNMENT RESOLUTION

A copy of the local government resolution that designated the area as a brownfield area pursuant to §376.80, F.S., and a map and legal description of the brownfield area (site) shall be attached as Attachment A. A detailed map shall clearly delineate exactly which parcel(s) are to be included in the brownfield area (site) or a less detailed map with a legal description of the brownfield area (site) shall be included. The number of acres shall also be recorded. The information provided in the attachment shall be compatible with the Department's Geographic Information System (GIS). See Section 12 for GIS details regarding property coordinates.

SECTION 2: ATTACHMENT B – BROWNFIELD SITE REHABILITATION SCHEDULE

1. The PRFBSR who wishes to conduct cleanup pursuant to the Brownfields Redevelopment Act must propose a brownfield site rehabilitation schedule as required by §376.80(5)(a), F.S. The schedule shall describe the schedule for site rehabilitation activities that addresses each of the contamination assessment and remedial action tasks including milestones for completion of site rehabilitation tasks, submittal of technical reports and rehabilitation plans and the County's review time-frames for review of reports or plans. The approved schedule shall be attached as **Attachment B** and incorporated into the BSRA. All contamination assessment and remedial action tasks set forth therein shall be conducted in a timely manner and in accordance with the approved schedule for site rehabilitation.
2. The PRFBSR shall submit two hard (paper) copies and one electronic (digital) copy of each report to the County in the format provided in Section 8 of the Instructions.
3. Table I on the following page contains examples of submittals or suggested review time-frames for reports, as applicable, submitted by the PRFBSR for review by the County and initiation of applicable activities by the PRFBSR. Table I schedule may be modified to more accurately represent the site activities. However, the PRFBSR's actions or document submittal time-frames shall not exceed the time-frames in Chapter 62-785, F.A.C. without County approval:

Attachment B
Table I
Submittals and Time-frames

Type of Report or Activity	PRFBRSR Action or Submittal Time-frames	County Review or Comment Time-frames
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-785.500).	Within 30 days of receipt.
Interim Source Removal Status Report	Within 180 days of initiating source removal activities.	No comment required.
Interim Source Removal Report	Within 60 days of completion of source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) (See Rule 62-785.450, F.A.C.)	SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional (within 60 days of SAR.)	Within 60 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (62-785.680).	Within 60 days of receipt.
Natural Attenuation with Monitoring Proposal (NA)	When the site meets the criteria for Natural Attenuation for Monitoring (See Rule 62-785.690).	Within 60 days of receipt.
Natural Attenuation with Monitoring Report (NAMR)	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal – depending on site conditions and Advisory Committee)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.
Post Active Remediation Monitoring Plan (PARMP)	When the site meets the criteria for NFA (62-785.680) or Leveling-Off (62-785.700(17))	Within 60 days of receipt.
Post Active Remediation Monitoring Report	Within 60 days of sample collection.	No comment required.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc. within 60 days of County's response.	Within 60 days of receipt. If the brownfield area meets the requirements of Chapter 62-785, F.A.C. for the issuance of a SRCO, a SRCO will be issued.
Notices for Field Activities	Within seven (7) days but not less than three (3) working days prior notice to the County to perform field activity.	No comment required.
Submittal to the County of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-785, FAC	Within 60 days of receipt of the County's response.	Within the same time-frame for review of the original submittal.

SECTION 3: ATTACHMENT C – SITE (AREA) ACCESS AGREEMENT

The PRFBSR shall provide the County with original copies of any site access agreement entered into between the PRFBSR and the owner(s) of all the individual parcels comprising the Brownfield area. The site access agreement(s) shall be incorporated as **Attachment C** and include acknowledgement that representatives from the County and Department shall be allowed access to the property upon request.

SECTION 4: ATTACHMENT D - - CERTIFICATION OF REDEVELOPMENT AGREEMENT

A certification letter that states an agreement exists between the PRFBSR and the local government with jurisdiction over the brownfield area shall be included as **Attachment D**. The agreement shall contain the terms for the redevelopment of the brownfield area identified in Attachment A in accordance with §376.80(2)(b), F.S.

SECTION 5: ATTACHMENT E - - CONTRACTOR CERTIFICATION FORM AND INSURANCE CERTIFICATES

The PRFBSR must ensure that any contractor performing site rehabilitation program tasks at or for the real property described in Attachment A has provided documentation and certification to the County that the contractor meets the requirements of Paragraph 7, Site Contractor. The Contractor Certification Form (CCF) shall be completed and submitted to the Broward County Brownfields Coordinator. The completed CCF shall be attached as **Attachment E**. If at the time of execution of the BSRA, the identity of a contractor is not known, the PRFBSR shall ensure that the required CCF is submitted to the Contractor prior to the contractor performing site rehabilitation program tasks at the site. The contractor is defined as the contractor responsible for performing the site rehabilitation program tasks at or for the real property described in Attachment A. The contractor may subcontract to other licensed contractors. See §489.113(9), F.S. for additional information.

The PRFBSR and the Contractor should review the guidance titled “Tip Sheet for Contractor Certification Form” before completing and submitting the form to the Broward County Brownfields Coordinator.

SECTION 6: ATTACHMENT F - - QUALITY ASSURANCE CERTIFICATE

The PRFBSR shall submit to the County documentation as **Attachment F**, showing the Standard Operating Procedures (SOPs) for field sampling in accordance with Chapter 62-160, F.A.C. are followed and that a NELAP-recognized accrediting authority (in Florida, the Department of Health, Environmental Laboratory Certification Program) has

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accredited the laboratory(s) performing analysis. Analytical methods capable of meeting the cleanup target levels in Chapter 62-785, F.A.C., shall be used for all analyses.

For comprehensive information about the Chapter 62-160, F.A.C., a link to the Department's field Standard Operating Procedures, and for the complete text of Chapter 62-160, F.A.C., visit

<http://www.dep.state.fl.us/labs/qa/index.htm>

The County reserves the right to reject any results generated by the PRFBSR if any organization performs an activity that is not specifically approved in accordance with Chapter 62-160, F.A.C., if there is reasonable doubt as to the quality of the data or method used, if the sampling was not performed in accordance with the approved SOPs, or if analysis was performed not in accordance with NELAP accreditation, or if the SOPs or NELAP accreditation of any organization expires.

SECTION 7: ATTACHMENT G - - ADVISORY COMMITTEE MEMBERS

The names, addresses, and contact numbers for all Advisory Committee members shall be included in **Attachment G**. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by §376.80(5), F.S. This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed.

The advisory committee shall have the opportunity to review the proposed redevelopment agreement required pursuant to §376.80(5)(i), F.S. and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee shall be provided a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

SECTION 8: ATTACHMENT H - - FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

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1. Two hard copies and an electronic copy of each report or proposal and final reports shall be submitted to Broward County DPEP.
2. In an effort to increase efficiency, responsiveness, and to enhance environmental protection, electronic records are an acceptable media substitute for hard copy and shall be pursued as the first option of choice to arrive at compliance. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), Floppy Diskette, or File Transfer via an FTP site or dial-in connection. Additional format may be considered at the time of the request.
4. After final approval of each report, an electronic copy and two hard copies shall be submitted within 30 days. The electronic copy shall be submitted on Compact Disk (CD) for archiving purposes.
5. The media shall include a file directory and specify the "naming convention".
 - (a) Final reports (any text files) must be in one of the approved formats.
 - (b) Site maps shall be in ".dxf", TIFF, JPEG or ".pdf" format.
 - (c) Site surveys shall be in ".dxf" format.
 - (d) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (e) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
 - (f) The left inside cover of the media should list all the files located on the media.

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SECTION 9: PUBLICATION OF NOTICE (Optional for PRFBRSR)

If the PRFBRSR wishes to publish notice of site rehabilitation activities once the PRFBRSR and the County have signed the BSRA, the County recommends the following notice be used. The notice may be published in a newspaper of daily circulation in the city and county where the site rehabilitation activities are taking place.

MODEL NOTICE

BROWARD COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION NOTICE OF BROWNFIELD SITE REHABILITATION AGREEMENT

The Broward County Department of Planning and Environmental Protection gives notice of agency action of entering into a Brownfield Site Rehabilitation Agreement (hereinafter "BSRA") with (insert name of PRFBRSR) _____ pursuant to Section 376.80(5), Florida Statutes. The BSRA addresses the _____ activities in the vicinity of (insert addresses of site listed in BSRA) _____. This BSRA is made available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays at the Broward County Department of Planning and Environmental Protection 218 SW 1st Ave., Fort Lauderdale, FL 33301.

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The Petition must contain the information set forth below and must be filed (received) with the Director of the Pollution Prevention and Remediation Division, Department of Planning and Environmental Protection, 218 SW 1st Ave., Fort Lauderdale, FL 33301, within 21 days of receipt of this notice. The Petitioner shall mail a copy of the petition at the time of filing to the Person Responsible for Brownfields Site Rehabilitation ("PRFBRSR") listed in the BSRA. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under §§120.569 and 120.57, F.S.

Pursuant to §120.54(5)(b)4, F.S. and §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (viii) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the PRFBRSR's name and address, if different from the petitioner, the Department's Brownfield Area and Brownfield Site Identification Numbers, and the name and address of the Brownfield Site;

- (ix) A statement of when and how each petitioner received notice of the County's action or proposed action;
- (x) An explanation of how each petitioner's substantial interests are or will be affected by the County's action or proposed action;
- (xi) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (xii) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the County's action or proposed action;
- (xiii) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the County's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (xiv) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the County to take with respect to the County's action or proposed action.

If a Petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the County's final action may be different from the position taken by the County in the BSRA. Persons whose substantial interests will be affected by any decision of the County with regard to the subject BSRA have the right to petition to become a party to the proceeding. This BSRA is final and effective on the date of execution. Timely filing a petition for administrative hearing postpones the date this BSRA takes effect until the County issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the County pursuant to meetings with the County.

SECTION 10: SITE REHABILITATION

The PRFBSR shall comply with all applicable local, state, and federal rules and regulations and shall obtain any necessary approvals/permits from local, state, and federal authorities required to perform the necessary site rehabilitation work. All site rehabilitation shall be done in accordance with the provisions in §376.81, F.S., and Chapters 62-785 and 62-777, F.A.C.

SECTION 11: POLLUTION PREVENTION PLAN

State, County, and other local pollution prevention programs are available to assist in determining pollution reduction measures. Broward County recommends that the PRFBSR contact the County's Pollution Prevention and Remediation Division at (954) 519-1261 or the Department's Pollution Prevention/Waste Reduction Program at (850) 488-0300 for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials. The County recognizes that pollution prevention opportunities are limited at some sites where all industrial operations have ceased.

SECTION 12: PROPERTY COORDINATES

Latitude and longitude coordinates, datum used, and accuracy of method used to determine the coordinates of the designated brownfield site or area shall be provided to the County that are compatible with the Department's GIS. Examples of the datum used and collection methods may include the following:

Types of Datum Methods

ADDRESS MATCHING

CADASTRAL SURVEY (preferred method of choice)

DIFFERENTIALLY CORRECTED GPS (preferred method of choice)

DIGITAL AERIAL PHOTOGRAPHY W/ GROUND CONTROL

DIGITAL MAP INTERPOLATION

GEODETIC QUALITY GLOBAL POSITIONING SYSTEM (GPS)
(preferred method of choice)

MANUAL AERIAL PHOTOGRAPHY W/ GROUND CONTROL

SATELLITE IMAGERY W/ GROUND CONTROL

ZIPCODE CENTROID

Name of PRFBSR
Brownfield Site Rehabilitation Agreement
BF Site ID #

NOTE:

The more accurate methods and the Department's preferred methods of those listed include cadastral survey, differentially corrected GPS, and geodetic quality GPS; for a point location or proper parcel boundaries (designated brownfield area).

Autonomous GPS, LORAN and Manual Map Interpolation are not normally employed in the Department created data and are not recommended for use.

The various air-photo methods are good for general location. Address matching and ZIP Code centroid can be useful for getting one in the general area if one only has a street address and zip code. Air-photos must be used to verify the address and ZIP Coded data if either of these two approaches are used.

For additional information about the Department's Locational Data Standard, contact the District's Brownfield Coordinator for a copy of the document titled "FDEP Locational Data Standard" or download the Locational Data Standard document at the website: http://www.dep.state.fl.us/waste/quick_topics/publications/brownfields/geninfo/StandardsV21.pdf.