This document is to be used for conditional closures using the FDEP CSX Transportation Memorandum of Understanding (CSX MOU) as an institutional control to satisfy the requirements of paragraph 4.B.1. of the CSX MOU when the site qualifies for Site Rehabilitation Completion pursuant to Subsection 62‑780.680(2) or 62-780.680(3), F.A.C., (closure with restrictions). *This completed document must be provided to CSX for them to properly record the IC in their “Workbench” database.* The site/project manager must first confirm the discharge(s) has met the technical rule requirements for approval of the FDEP CSX MOU as an IC. Please review the CSX MOU, to also ensure that the restrictions contained therein are appropriate to the contaminated site. Please contact FDEP DBS or an FDEP OGC Waste program attorney for further assistance.

[Date]

[Mr. or Ms. or . . .] [Responsible Party’s Name]

(if applicable) [Responsible Party’s Company]

[Responsible Party’s Address]

[City, State Zip Code]

Subject: CSX Memorandum of Understanding Institutional Control Approval

[Facility Name]

[Facility Street Address]

[City, xxx] County

FDEP Facility ID#/COM\_#/Project # [xxxxxxxxx]

Dear [Mr. or Ms. or . . .] [Responsible Party’s Last Name]:

The [[insert program/district]] has reviewed the **[[**Site Assessment Report (SAR) [(if applicable) (and SAR [Addendum or Addenda])] and No Further Action Proposal (NFAP) with Conditions dated [Date] [(if applicable) and [Date]; if several, list the range of dates] (received [Date] [(if applicable) and [Date]; if several, list the range of dates]), for the discharge[s] discovered on [Date] [(if applicable) and [Date]] at the subject facility. All the documents submitted to date are adequate to meet the site assessment requirements of Rule 62‑780.600, Florida Administrative Code (F.A.C.). In addition, documentation submitted with the SAR[s]/NFAP confirms that technical criteria set forth in Subsection 62‑780.680(2) or (3), F.A.C., may be met assuming the appropriate institutional controls and restrictions and, if appropriate, engineering controls, are in place.

This letter confirms that FDEP has determined that listing of the Environmental Site linked to CSX’s Workbench database and graphically depicted within the Railroad’s GIS mapping System (System) qualifies as an appropriate institutional control, as defined in Section 376.301(22), Florida Statutes, will minimize or eliminate exposure to the contaminants within the railroad property and thereby protect human health, public safety, users or occupants of the property, and the environment. Please provide a copy of this letter along with the request to CSX Transportation, Inc., as required in the CSX MOU to create and post this site in their System.

Other institutional and/or engineering controls may also need to be in place prior to issuance of a conditional SRCO.

If you should have any questions concerning the review of the [SAR[s]/NFAP or SRCR/NFAP], please contact me at [(xxx) xxx-xxxx] or at the letterhead address, Mail Station [xxxx] or the Department’s professional [engineer or geologist] at [(xxx) xxx-xxxx] at the same letterhead address and Mail Station. (or District Office)

Sincerely,

[Reviewer’s Name]

[Reviewer’s Title]

[Program]

[xxx]@dep.state.fl.us

/[reviewer’s initials (lower case)]

cc: (if e-mail address is not available) (only include if the property owner is not the responsible party) [Property Owner’s Name, (if applicable) Property Owner’s Company, Address, City, State Zip Code]

(Include all properties on which contamination is allowed to remain - Property Owner’s Name, Property Owner’s Company, Address, City, State Zip Code)

ec: (if e-mail address is available) (only include if the property owner is not the responsible party) [Property Owner’s Name, (if applicable) Property Owner’s Company – e-mail address]

[Consultant’s Name, Consultant’s Company – e-mail address]

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