## Attachment 29: Superfund Restrictive Covenant Implementation Process

1. The Institutional Control approach is developed in the ROD.
2. After the ROD is approved and at the appropriate stage of the cleanup, a scoping call/meeting should be held to discuss the restrictive covenant implementation process and identify issues associated with the implementation of a restrictive covenant. The EPA RPM, Site Attorney, IC Attorney, State PM, State Attorney, EPA IC coordinator, and PRP and/or property owner should participate in the call.
3. After the scoping call, the EPA RPM and EPA Site Attorney should develop the first draft of the restrictive covenant. (90 days)
4. Once all items in the FDEP guidance checklist have been completed, the EPA RPM should route the draft package to the FDEP PM and copy the EPA Attorneys for initial review. The State PM should review and comment to the EPA RPM. (60 days)
5. EPA and FDEP will discuss any proposed revisions and develop language that is acceptable for everyone. (30 days)
6. Once the language is agreed upon, the FDEP PM routes to Dan Blackwell for OGC review and comment. The FDEP PM will include the distribution list to Dan. Once it’s determined that the package is complete, he will send an email to the FDEP PM and EPA RPM. Upon legal review, any revisions will be discussed between FDEP PM, Attorney, and EPA. (60 days)
7. The draft restrictive covenant will then be sent to the PRP and/or property owner for review. (60 days)
8. If any changes are suggested by the PRP and/or property owner, then EPA and FDEP discuss the suggested revisions. If necessary, a meeting could be held with all parties at the FDEP office to negotiate the final language. (60 days)
9. Either EPA or the PRP/property owner will publish public notice in a local newspaper to satisfy 62-780.680(8). All comments come to the FDEP PM. (60 days)
10. Once public comments are addressed, the EPA RPM sends to the property owner for signature. (15 days)
11. After signature by the property owner, EPA forwards to the FDEP PM to be routed through OGC for signature by the Director, Division of Waste Management. (30 days)
12. Once signed, the FDEP PM forwards the restrictive covenant to property owner for filing in the public records office of the county in which the property is located. (30 days)
13. The property owner will then send a recorded copy to FDEP and EPA. (15 days)