**Attachment 32B: Exhibit B - Sample Florida Department of Transportation Acknowledgement Letter**

Exhibit B

Sample Florida Department of Transportation Acknowledgement Letter

Date: Date

From: Florida Department of Transportation (“FDOT")

To: Florida Department of Environmental Protection ("FDEP") CC: Other involved entity

Re: FDEP Request Letter for ROW Map note

FDEP Facility ID# \_\_\_\_\_\_\_\_\_State Road \_\_\_; \_\_\_\_\_\_\_\_\_\_\_County

Dear (FDEP Program Manager),

The FDOT acknowledges receipt of FDEP's request to add a map note to the FDOT Right of Way ("ROW') map showing the location of petroleum pollutants that have: (1) spilled upon or

(2) migrated from an off-site source property to FDOT's transportation facility. FDOT has also received FDEP's written determination that: (1} the third party discharger's petroleum pollutants within the transportation facility are not a risk to human health, public safety, the users or occupants of the transportation facility, or the environment; (2) the map note qualifies as an alternative institutional control; and (3) the third party discharger's source property qualifies for a risk based corrective action no further action ("NFA") or Site Rehabilitation Completion Order ("SRCO") ("closure").

FDOT and any third party voluntarily containing or removing a discharger's petroleum pollutants from the transportation facility are immune from liability. FDEP has determined the map note **is a** reference to **assist** any party with its due diligence prior to working within the transportation facility.

Based upon its review of the FDEP Request Letter and related documents and pursuant to the Memorandum of Understanding ("MOU"} entered into by the FDEP and FDOT on \_\_\_[date]\_\_\_, 2014, the FDOT:

1. Agrees to maintain the transportation facility ROW map and the map note, until such time as it may be modified; and
2. Agrees to incorporate a reference to the map note into any future property transfer; including transfer by map, transfer by Roadway Jurisdictional Transfer, or transfer by deed;
3. Agrees the Request Letter, this Acknowledgement letter, and the map note do not operate to create or vest any property right, title, interest or estate in the transportation facility in or to FDEP, the discharger, or to any other third parties;
4. Agrees the Request Letter, this Acknowledgement letter, and the map note are only an additional reference to show the location of petroleum pollutants in the transportation facility for any party to reference during its due diligence prior to working within the transportation facility; and further agrees that neither the Request Letter, this Acknowledgment letter, nor any map note shall impose any additional compliance requirements on any party working within the transportation facility, other than those already imposed by existing governmental law (as defined in the MOU).
5. Agrees the Request Letter, this Acknowledgement letter, and the map note shall not impose any requirement to monitor the map note, or any additional requirements on FDOT for any acquisition, use, design, construction, operation, maintenance, utility work, or issuance of any permit to use or do work within the transportation facility.
6. Agrees the Request Letter, this Acknowledgment letter, and the map note shall not obligate the FDOT to remediate the third party discharger's petroleum pollutants.
7. Agrees the Request Letter, this Acknowledgment letter, and the map note shall not obligate the FDOT to remediate the third party discharger's source property.
8. Agrees the Request Letter, this Acknowledgement letter, and the map note shall not be interpreted as waiving any rights of the FDOT under sections 376.305 or 335.10(3), Fla. Stat. (2013).
9. Agrees that the Request Letter, this Acknowledgement letter, or the map notes shall not be deemed or otherwise interpreted as waiving FDOT limits of liability set forth in sections 768.28, 376.305, and 337.27(4), Fla. Stat. (2013).

Sincerely,

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: Right of Way Property Management Administrator