**ATTACHMENT 6: IC LEGAL REFERRAL AND CHECKLIST**

There are three sections (administrative, technical, and legal) included in this checklist. The DEP site/project manager should complete all three sections to complete the IC package. The IC package, including this checklist, should be emailed to DEP OGC Tallahassee, Lea Crandal, Agency Clerk, Agency\_Clerk@FloridaDEP.gov, to obtain an OGC number and for assignment to a program attorney for review.

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| **PART I – ADMINISTRATIVE SECTION** |
| TODAY’S DATE: | Click or tap to enter a date. |
| TIME CONSTRAINTS (Has someone expressed that there are time constraints? If so, please explain.): |  Choose an item. If yes:  |
| SITE NAME: |  |
| FACILITY/SITE ID: |  |
|  | (FAC ID;ERIC ID; Brownfield ID, STCM,#) |
| DISCHARGE/NOTIFICATION DATE: |  |
| SITE ADDRESS: |  |
| COUNTY: |  |
| PROGRAM AREA: |  |
| DISTRICT: | Choose an item. |
| PROJECT/SITE MANAGER: |  |
|  | (DEP staff) |
|  |  |  |
|  | (Email) | (Phone) |
| FDEP DBSP/PRP REVIEWER (If none, please explain why): |  |
|  | (Name/Title) |
| RELATED CASE(s) #: |  |
|  | (For example: Consent Order or other legal document requiring an IC; If applicable) |
| PARCEL ID(s) #: |  |
|  |  |
| **PROPERTY INFORMATION** |
| PROPERTY OWNER: |  |
|  | (Name/Title) |
|  |  |
|  | (Address) |
|  |  |  |
|  | (Email) | (Phone) |
| PROPERTY OWNER |  |
| REPRESENTATIVE:  | (Name/Title) |
|  |  |
|  | (Address) |
|  |  |  |
|  | (Email) | (Phone) |
| CONSULTANT: |  |
| (If different than above) | (Name/Title) |
|  |  |
|  | (Company) |
|  |  |  |
|  | (Email) | (Phone) |
| RESPONSIBLE PARTY: |  |
| (If different than property owner) | (Name/Title) |
|  |  |
|  | (Address) |
|  |  |  |
|  | (Email) | (Phone) |

If a sale of the site property is pending include the purchaser information:

|  |  |
| --- | --- |
| BUYER INFORMATION: |  |
|  | (Name/Title) |
|  |  |
|  | (Address) |
|  |  |  |
|  | (Email) | (Phone) |
| **PART II – TECHNICAL SECTION** |

The Choose an item.has determined that the requirements of Rule 62-780, Florida Administrative Code (F.A.C.) have been met for this discharge/incident. The site meets closure criteria under RMO Choose an item.. It is the opinion of the Choose an item.that the restrictions proposed in the Draft IC package are adequate to ensure that the remaining contamination will not pose an unacceptable risk to human health or the environment.

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Link to DSP memo\*:

or PRP memo

approving the NFAP

(if applicable)

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Link to Oculus:

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|  |  |  |
| Name of DEP Site Manager |  | Signature of DEP Site Manager |

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| **Comments (if any):** |

\*Not all NFAPs go through DSP. For PRP local programs, include link to the NFAP approval email from Tallahassee PRP.

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| **PROPERTY NO.** | **TYPE** |
| Choose an item. | Choose an item. |

**Number of Properties within Contaminated Site: Choose an item.**

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| **Location of Restrictions** |
|  | Soil | Groundwater |
| Entire Property |[ ] [ ]
| Portion of Property |[ ] [ ]

|  |
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| **TYPE OF RESTRICTIONS** **Check if Applicable** |
| **Groundwater Restrictions:** |
| Full/Partial Groundwater Restriction |[ ]
| Dewatering Restriction |[ ]
| Stormwater Restriction |[ ]
| Irrigation Restriction |[ ]
| **Soil Restrictions:** |
| Engineering Control - 2 feet of clean fill |[ ]
| Engineering Control - Impermeable cover |[ ]
| 95% UCL (Note size of decision unit in comments) |[ ]
| **Land Use Restriction** |[ ]
| **Other (Please describe)** |

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| **remaining Contaminants of Concern** **(Please list below)** |
|  |

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| **PROPERTY USES****(Current/Proposed Use of Property)** |
| Include information about any current recorded restrictions on property required by DEP like an interim DRC or a PRP DIRC and check the title work to ensure the DIRC or interim DRC is included. |

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| **EXISTING FEATURES ON PROPERTY** |
|  | **YES** | **ALLOWED TO REMAIN** |
| **Wells** |
| Potable |[ ] [ ]
| Irrigation |[ ] [ ]
| Industrial |[ ] [ ]
| Monitoring |[ ] [ ]
| **Stormwater Features** |[ ] [ ]

**{PLEASE COPY AND PASTE THIS PAGE IF ADDITIONAL PAGES ARE NECESSARY}**

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| --- | --- |
| **PROPERTY NO.** | **TYPE** |
| Choose an item. | Choose an item. |

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| **Location of Restrictions** |
|  | Soil | Groundwater |
| Entire Property |[ ] [ ]
| Portion of Property |[ ] [ ]

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| **TYPE OF RESTRICTIONS** **Check if Applicable** |
| **Groundwater Restrictions:** |
| Full/Partial Groundwater Restriction |[ ]
| Dewatering Restriction |[ ]
| Stormwater Restriction |[ ]
| Irrigation Restriction |[ ]
| **Soil Restrictions:** |
| Engineering Control - 2 feet of clean fill |[ ]
| Engineering Control - Impermeable cover |[ ]
| 95% UCL (Note size of decision unit in comments) |[ ]
| **Land Use Restriction** |[ ]
| **Other (Please describe)** |

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| **remaining Contaminants of Concern** **(Please list below)** |
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| **PROPERTY USES****(Current/Proposed Use of Property)** |
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| **EXISTING FEATURES ON PROPERTY** |
|  | **YES** | **ALLOWED TO REMAIN** |
| **Wells** |
| Potable |[ ] [ ]
| Irrigation |[ ] [ ]
| Industrial |[ ] [ ]
| Monitoring |[ ] [ ]
| **Stormwater Features** |[ ] [ ]

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| **PART III - LEGAL SECTION** |

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| **APPLICABLE INSTITUTIONAL CONTROLS** |
| **What type of document is the Institutional Control?** | **Source Property** | **Non-Source Properties (if applicable)** | **Included in IC Package?** |
| Declaration of Restrictive Covenant (DRC) |[ ] [ ] [ ]
| Superfund DRC |[ ] [ ] [ ]
| Memorandum of Agreement/Understanding (MOA/MOU): |[ ] [ ] [ ]
| MOU -DOT (Petroleum only) |[ ] [ ] [ ]
| MOU – CSX |[ ] [ ] [ ]
| MOA – Airport |[ ] [ ] [ ]
| MOA – Port Authority |[ ] [ ] [ ]
| Board of Trustee of the Internal Improvement Trust Fund (BOT)  |[ ] [ ] [ ]
| SWFWMD or SJRWMD ePermitting |[ ] [ ] [ ]
| Local Government Ordinance\* |[ ] [ ] [ ]
| LSSI NFA Order (Petroleum Only)  |[ ] [ ] [ ]
| Rule 62-524 Delineated Areas |[ ] [ ] [ ]
| Other Proposed Institutional Control(Please explain) |[ ] [ ] [ ]

**\*** Zoning is not an acceptable institutional control; and, local government controls generally are not acceptable – consult OGC.

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| **FOR ALL INSTITUTIONAL CONTROLS:** | **Included in IC Package?** |
| 1. Title Work (Property Information Report, Encumbrance & Ownership (E&O) Report, or Title Insurance)? Note: should be less than 6 months old.
 |[ ]
| * 1. Are the supporting title documents included (copies of deeds, easements, liens, leases)?
 |[ ]
| 1. A screenshot of the property appraiser website?
 |[ ]
| 1. Legal description of the property(ies) to be restricted?
 |[ ]
| 1. Mailed Notices?
 |[ ]
| * 1. City (if applicable)?
 |[ ]
| * 1. County Administrator?
 |[ ]
| * 1. Water Management District (WMD)?
 |[ ]
| * 1. Other (materially affected easement holders, etc.)?
 |[ ]
| 1. Published Notice (only if applicable)?
	1. If so, when and why?
 |[ ]
| 1. Are the required ICR GIS Shapefiles provided in a zip file (.shp, .shx, .dbf, and .prj)
 |[ ]
| **FOR DRC INSTITUTIONAL CONTROLS (i.e., Declarations):** | **YES** | **NO** |
| 1. Is the description of the contamination on the property(ies) in the DRC (typically Recital C) correct?
 |[ ] [ ]
| 1. Is the list of reports in the DRC (typically Recital C) correct and complete?
 |[ ] [ ]
| 1. Do the restrictions in the DRC match those in the technical review?
 |[ ] [ ]
| 1. Exhibit A contains:
2. Legal description of the entire property (even if only a portion of the property will be encumbered/restricted)
3. Legal description of Restricted Property (if applicable)
4. Legal description of Access Easement (if applicable)
 |[ ] [ ]
| 1. Exhibit B contains (applicable if only a portion of the parcel will be restricted):

A Specific Purpose Survey, Boundary Survey or Sketches to Accompany Descriptions (as defined under Chapter 5J-17, F.A.C.) prepared using the Standards of Practice (collectively referred to as a “Survey”) should be provided, and it should include four corners labeled with the State Plane Coordinates (SPC) system or geographical coordinates, clearly labeling the attachment as Exhibit “B,” and labeling the encumbered area on the attachment as “restricted area” or another phrase that tracks the RC language].  |[ ] [ ]
| 1. Exhibit C contains a survey or site plan (applicable if stormwater features exist on property; may be combined with Exhibit B).
 |[ ] [ ]
| 1. If only a portion of the property will be restricted (i.e., Restricted Property), access is addressed in the DRC and shown on the survey?
 |[ ] [ ]

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| **FOR NON-DRC INSTITUTIONAL CONTROLS (i.e. MOUs):** | **Included in IC Package?** |
| 1. Has a copy of the document which is to be the institutional control been included (i.e. MOU/MOA, etc.)?
 |[ ]
| 1. If relying on a local ordinance, is the Water Management District delegation agreement included in IC package?
 |[ ]
| 1. Draft CSRCO for legal review included in IC package?
 |[ ]

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| **Comments:** |