## Attachment 7: Sample Site Manager Letter to Person Responsible for Site Rehabilitation

*This document is to be used by the site/project manager to concur with a recommendation for conditional closure, to notify the property owner/person responsible for site rehabilitation about the needed restrictions, and to provide information about the location of the Institutional Controls Procedures Guidance document.*

{Date}

[Mr. or Ms. or . . .] {Property Owner’s Name}

{Property Owner’s Company (if applicable)}

{Property Owner’s Address}

{City, State Zip Code}

Subject: Acknowledgment of Intent to Propose Conditional Closure

{Facility Name or Contaminated Site Name}

{Street Address}

{City, County}

FDEP Facility ID# or BSRA ID# or other FDEP Tracking Number {xxxxxxxxx}

Discharge Date[s]: {If known, list date(s) (only list the date(s) of the discharge(s) for which a conditional closure will be issued)}} [(petroleum only: select one for each discharge, as applicable) (ATRP) (EDI) (IVPSSRP) (PCPP) (PLRIP) (Non‑program)]

Dear [Mr. or Ms. or . . .] {Property Owner’s Last Name}:

The {reviewing entity, e.g., Petroleum Restoration Program (PRP), name of county program, District Office, etc.} has reviewed the {Type of Report}*,* dated {Date} (received {Date}), [prepared by {Consulting Company}, submitted or prepared and submitted by {Consulting Company}] for the {name of contaminant, e.g., petroleum products, chlorinated solvents, arsenic, etc.} discharge[s] referenced above. The {reviewing entity} is prepared to issue a Conditional Site Rehabilitation Completion Order (SRCO) for this discharge [or these discharges] provided that {Select appropriate option(s): a Declaration of Restrictive Covenant, with the following restrictions on the use of the property, is completed and recorded in the county land office where the property deed is recorded for the above-referenced property and/or based upon reliance on an approved alternative IC}:

1) {Restriction}.

2) {Restriction}.

{3) Alternative approved non-recorded Institutional Control}

{Include the following only when a Restrictive Covenant will be used:

Enclosed for your reference is a Sample Restrictive Covenant to be used as an example when preparing a draft covenant.} You may also access the Department’s *Institutional Controls Procedures Guidance* (ICPG) document in its entirety by going to https://floridadep.gov/waste/waste/content/institutional-controls-procedures-guidance [Include the following if a Restrictive Covenant will be executed: and there are PDF as well as Word versions to expedite preparation of the Declaration of Restrictive Covenant. {Signor, e.g., XXXX, Program Administrator, or XXXX, District Director, etc.}, will sign the Declaration of Restrictive Covenant on behalf of the {reviewing entity}.}

The electronic file for this site is located in the FDEP’s Oculus electronic document system located at <http://depedms.dep.state.fl.us/Oculus/>. In order to log in, click the “PUBLIC OCULUS LOGIN” button or type “netuser” as both the user name and password. On the left hand side of the screen, select the appropriate catalog based on the type of contaminated site (e.g., “Storage Tanks;” “Waste Cleanup;” or “Hazardous Waste”); search by “Property,” and select the “Facility-Site ID” under “Property.” To find the file, enter the facility identification number and click on “Search.” (Note: for petroleum sites, enter only the last seven (7) digits of the FAC ID#; for other sites enter the entire number.) If there are a large number of records you may want to sort them in chronological order by selecting “Document Date” and clicking on “Refresh.”

Please utilize the IC Checklist found in Attachment 5 of the ICPG to help prepare your submittal for FDEP review. The following information should be provided:

1) A copy of the source property’s deed. If a restrictive covenant will be recorded on off-site property’s a copy of those deeds.

2) A copy of the property’s legal description.

3) If proposing a partial encumbrance, then a copy of the legal description for the part of the property that will be restricted as Exhibit B to the restrictive covenant and a Specific Purpose Survey, Boundary Survey or Sketch and Description of the restricted area, as defined under Chapter 5J-17, F.A.C. and prepared using the minimum technical standards (MTS) that includes all corners of the restricted area labeled with the State Plane Coordinates (SPC) system or geographical coordinates.

4) If the IC is a restrictive covenant, an Ownership and Encumbrance Report, Title Insurance Commitment or Title Insurance Policy that reflects all parties having an interest in the Property, including owners, lienors or easement holders. The search should normally commence with the instrument constituting the root of title under the Marketable Record Title Act (MRTA) (evidence of title that is at least 30 years old) and should include a review of all subsequently recorded instruments that are not eliminated by MRTA.

5) If the IC is a restrictive covenant, copies of all documents showing an interest in the property (e.g., mortgages, leases, liens, easements, etc.).

6) A Survey of the location of these interests in the property in relation to location of the proposed restricted area.

7) Copies of the notices required in Attachments 19-21, of the ICPG, as appropriate, or the draft notice and schedule to submit such notices.

8) If the IC is a restrictive covenant, copies of the “Actual Notice of Intent to Approve Use of Institutional Controls” sent to each recorded mortgage holder, easement holder and leaseholder along with evidence of receipt of such notice. See Attachment 9 of the ICPG.

9) If a Restrictive Covenant will be used as the IC, then a copy of the draft RC. If the PRSR proposes reliance on an alternative IC, then copies of the relevant documents and information in support of the alternative IC.

Please provide the above documentation to the {reviewing entity}. Should you have any questions, please contact me at {(xxx) xxx‑xxxx} or at the letterhead address.

Sincerely,

{Site/Project Manager’s Name}

{Site/Project Manager’s Title (optional)}

{Reviewing Entity Section}

{Program Name of Reviewing Entity or District}

{Email address}

{If applicable: Enclosure (Sample Restrictive Covenant)}

ec: {Consultant’s Name, Consultant’s Company, Company Address, City, State Zip Code} – {e-mail address}

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