## Section C.16: Office of General Counsel (OGC) Review

When the OGC receives an IC package, an OGC paralegal will verify that all required documents are present. If documents are missing, the paralegal will work with the site/project manager, to obtain the missing documents, and, when the IC package is complete, forwards it to the assigned attorney. Once all documents are received in the OGC, an attorney will review the IC package. If the PRSR is proposing an RC, the attorney will determine if the proposed RC is ready for signature or requires changes. After reviewing the RC and supporting documentation, the attorney will provide a list of questions and requested changes to the RC text, as well as questions about notice, if any are needed. The attorney will route the memorandum, consisting of questions and requested textual changes, to the owner or the owner’s representative and to the site/project manager. If an alternative IC, such as local ordinance(s) or MOA, is proposed, then the attorney will review the IC package, including the local ordinance(s) or MOA, for sufficiency to address the type of contamination and restrictions needed and forward any questions as described above.

Typically, the owner should reply with a new draft of the RC, if applicable, additional supporting documents, if requested, and a letter answering questions. The OGC attorney will review the new information. This process may have several iterations before agreement is reached regarding additional documentation, answers to questions, and the text of the RC, if applicable. If the OGC attorney communicates directly with the owner’s counsel, he or she should copy the site/project manager, so the site/project manager knows the status of the IC package at any given time. During this process the site/project manager should be aware of the amount of time the owner takes to reply to FDEP requests for more information or new drafts of an RC.

It should be noted that if an owner’s response takes more than 60 days, the site/project manager should inquire in writing as to the delay. If a response is not forthcoming, the site/project manager can recommend enforcement of Chapter 62-780, F.A.C., at the site. The IC process should not extend for long periods of time as site conditions may change, and other intervening events may make the conclusion of the process difficult.

***Important Note:***

*If an owner’s response takes more than 60 days, the site/project manager should inquire* *in writing as to the* *delay. {See respective clean up rules Time Schedules section}*