## Section C.6: Site/Project Manager Review

The FDEP or local government site/project manager[[1]](#footnote-2) (including the contracted or delegated local government site/project manager) in conjunction with the designated FDEP or local program professional engineer (PE) or professional geologist (PG) responsible for the technical review for the site, must make the technical determination as to whether a contaminated site has undergone sufficient assessment and, if necessary, remediation that a conditional closure is appropriate under Chapter 62-780, F.A.C.[[2]](#footnote-3) See [Attachment 7](https://floridadep.gov/waste/waste/documents/attachment-7-sample-site-manager-letter-person-responsible-site-rehabilitation) for a sample letter from the site/project manager to the Person Responsible for Site Rehabilitation (PRSR) regarding ICs. The site/project manager should provide any FDEP technical guidance regarding the control to the property owner, and should request that the property owner or its agent prepare a draft of the IC package. The FDEP site/project manager should not prepare the IC, but should provide the internet location of the Institutional Controls Procedures Guidance document to the owner or owner’s representative. If, however, FDEP is the PRSR (for example, for contaminated sites being assessed/remediated by the Petroleum Restoration Program), site/project managers should check with their supervisors or OGC on what can be done by the FDEP and by whom.[[3]](#footnote-4)

All questions should be directed initially to the site/project manager. If a question is legal in nature, and early resolution of the question could change how the proposed IC is approached or greatly expedite the review process, the site/project manager may ask OGC to address the issue prior to submission of the IC package. Once the IC package is prepared, the IC and supporting documents should go to the site/project manager, who must determine if the IC document includes the appropriate restrictions or requirements and if the necessary supporting documentation has been provided (See [Attachment 5](https://floridadep.gov/waste/waste/documents/attachment-5-ic-checklist), Checklist. This checklist was created to assist in review of RC packages; however, the checklist provisions relating to groundwater contamination can be considered for non-RC ICs too). The site/project manager is not required to review or comment on the title work assuming the title work was prepared within 6 months of submittal to the site/project manager. If the title work is older than 6 months at the time of submittal to the FDEP site/project manager for review, the site/project manager may request that the title work be updated, which may be provided either by submission of an affidavit of title from the owner confirming the current status of title (See [Attachment 8](https://floridadep.gov/waste/waste/documents/attachment-8-sample-affidavit-title)) or by submission of an updated Title Report. The site/project manager should then route those documents to the OGC for legal review, approval, and signature. The FDEP OGC should only receive the request for legal review of the IC directly from the site/project manager and not from the property owner or owner’s representative.

For contracted local government-lead petroleum contaminated sites, the site manager’s decision to allow the use of an IC will be reviewed by one of the Petroleum Restoration Program (PRP) Local Program Coordinators (who will involve the appropriate Tallahassee technical staff, as needed). The District Waste Program Administrator should approve the technical determination for District-lead sites, and the appropriate Tallahassee Program Administrator should approve Tallahassee-lead sites. District staff may always seek input from Tallahassee staff, if desired.

The site/project manager, in conjunction with the designated FDEP or local program PE or PG responsible for the technical review for the site, should review and approve the geological and engineering details prior to forwarding an IC package with supporting documentation to the FDEP OGC. The site/project manager must also review the draft IC to ensure that the IC includes the correct maintenance requirements for, and restrictions on use of, the property, if applicable. Generally, three (3) types of restrictions/requirements are used:

* groundwater restrictions; and/or
* requirement to maintain engineering control (e.g., soil or synthetic cap); and/or
* land use restrictions.[[4]](#footnote-5)

Along with the draft RC document, if applicable, the site/project manager and the OGC need the following prior to reviewing any IC package (see also IC Checklist, [Attachment 5](https://floridadep.gov/waste/waste/documents/attachment-5-ic-checklist)):

1. The sample RC and review process will be modified based on who is the site manager.

*District-Lead Sites* The District should modify any of the sample RCs attached to this guidance document to indicate that the District is the FDEP signing representative, that the technical documents referenced in the covenant are on file at the District office, and that the District’s address is the location of stored documents. (Counties with delegated programs that are not required to obtain FDEP approval of technical decisions should follow the “District-Lead Sites” instructions).

*FDEP-Contracted Local Government Lead Sites* The FDEP-contracted local government site/project manager must submit the draft RC and accompanying documentation to the appropriate FDEP liaison. For petroleum sites, after reviewing, the FDEP liaison will send the documents to a FDEP technical reviewer in the Petroleum Restoration Program (PRP). The PRP reviewer is the Professional Engineer (PE) or Professional Geologist (PG) on the county team. If approved on its technical merits, all of the above documentation, including supporting legal documents, must be forwarded to FDEP OGC with a cover memo indicating who performed the FDEP technical review. See Sample Memo to OGC, Attachment 6. If the FDEP technical reviewer determines that the site is not yet ready for an IC, the documentation will be returned to the contracted local government. (Counties with delegated programs that do require FDEP-approval of technical decisions should follow the instructions for “FDEP-Contracted Local Government Lead Sites” throughout this document). [↑](#footnote-ref-2)
2. Any reference to “FDEP technical professional staff” includes not only staff in the six FDEP Districts and the Tallahassee headquarters office, but also FDEP contracted local governments and delegated programs and FDEP contracted private site/project managers (hereinafter referred to as site/project manager). [↑](#footnote-ref-3)
3. See Chapter 2016-184, section 9, Laws of Florida [↑](#footnote-ref-4)
4. Generally, both land use restrictions and soil cap engineering controls do not need to be included at the same time, unless there are areas of contaminated soil not covered by the engineering control. Redundancy of restrictions is not typically necessary. [↑](#footnote-ref-5)