



Florida Department of Environmental Protection

Petroleum Restoration Program

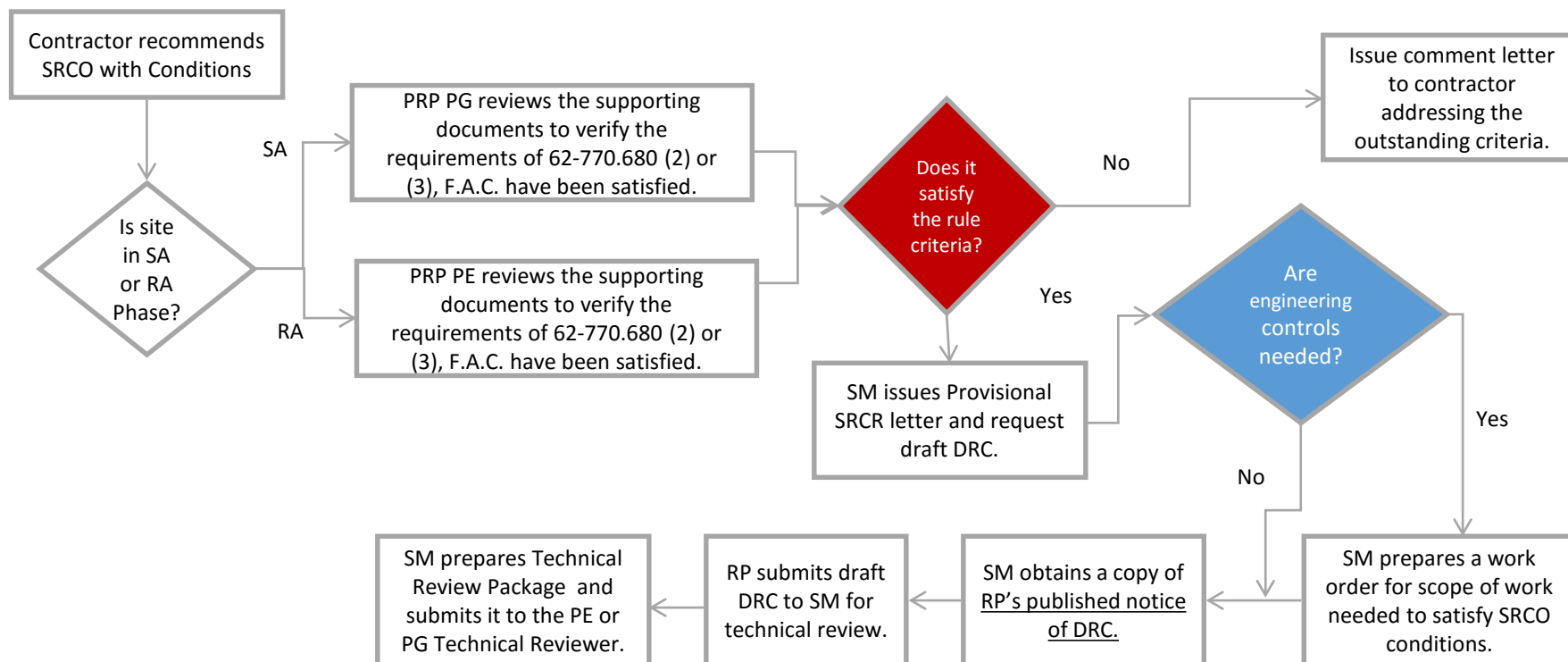
Conditional Closure: The Step-by-Step Process for Site Managers

2017 PRP Workshop





Restrictive Covenant FLOW CHART – Technical Steps



Key: PRP – Bureau of Petroleum Storage Systems
 FDEP – FL Dept of Environmental Protection
 PE – Professional Engineer
 RP – Responsible Party
 SRCR – Site Rehabilitation Completion Report

DRC – Declaration of Restrictive Covenant
 ICRS – Institutional Control Registry Sheet
 PG – Professional Geologist
 SA – Site Assessment

F.A.C. – Florida Administrative Code
 OGC – Office of General Counsel
 RA – Remedial Action
 SM – Site Manager



Next Steps

- Once Report is approved concurring with NFAC,
 - Step 1: Issue Deliverable Review Letter
 - Step 2: Issue Provisional Site Rehabilitation Completion Report Letter (ICPG, Attachment 7)
 - Step 3: Attach a copy of the ICPG for reference
 - Step 4: Request Draft Restrictive Covenant (DRC)
 - Step 5: Prepare Purchase Order



Allowable Costs for PRP Funding

Florida Statute 376.3071(5)(b)4 Inland Protection Trust Fund

Professional Land Survey

- Entire or Partial property for restrictions.

Title Search

- Must be performed within 180 days of the DRC review
- Affidavit of Title (ICPG, Attachment 8)

Recording Fees

- Restrictions (DRC) are recorded in county public records where the restricted property is located.

Engineering Control Design & Installation

- Unless an engineering control already exists.



Allowable Costs for PRP Funding

Engineering Certification Report including:

- Use SPI Line Item #19-13 to fund this report
- P.E. Certification of design sufficiency (SPI Line Item #21-9 through #21-12)
- Level of Effort (LOE) equivalent to Level 1 Limited Scope RAP.

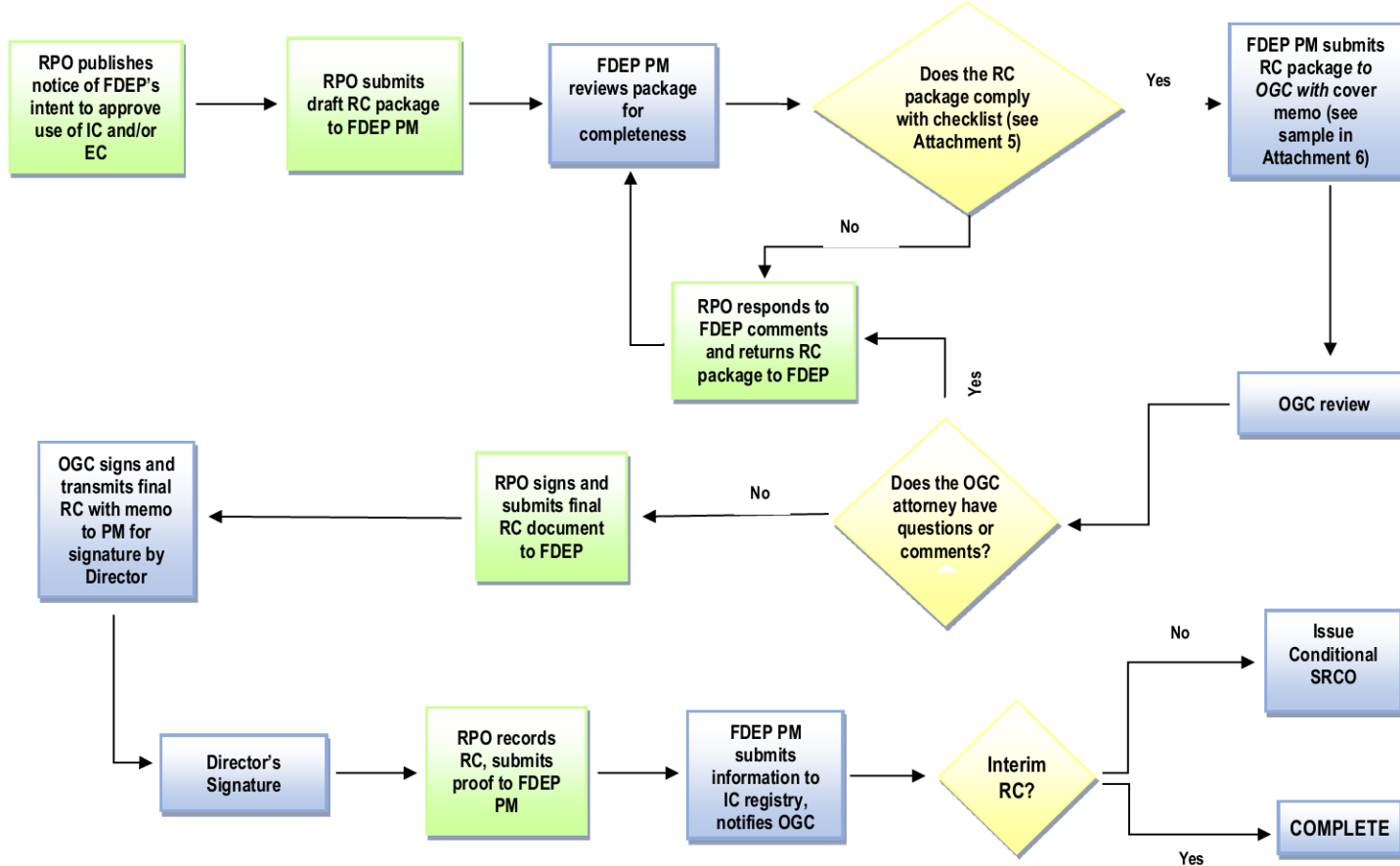
Costs Not Allowed for PRP Funding

- Legal Representation (fees)



FLOW CHART – Legal Steps

Attachment 1: Flow Chart Of Restrictive Covenant Approval Process



Key: FDEP - Department of Environmental Protection
 IC - Institutional Control
 OGC - Office of General Counsel
 PM - Project Manager/Site Manager
 RC - Restrictive Covenant
 RPO - Real Property Owner
 SRCO - Site Rehabilitation Completion Order



Next Steps

- Step 6: Site Manager verifies that DRC Package is Complete.
- Step 7: Team PG/PE reviews and approves DRC for technical completeness.
- Step 8: Site Manager prepares DRC Packet for Lead PRP PG/PE Technical Review

NOTE

The DRC Package should be scanned into Oculus as a single pdf document. The email to the Agency Clerk requesting OGC Review of the IC Package should contain the link to the IC Package to be reviewed.



DRC Packet

DRC Packet Should Include:

- DRC Checklist
- Form A or B
- Engineering Certification Report (P.E. Sealed) & PRP Approval Letter
- Map of Encumbrances and Restricted Area, and List of Encumbrances
- Legal Description of the entire property
- Specific Purpose Survey (if only a portion of the site is being restricted)
- Notices of Intent
- Title Report
- Joinder and Consent Of Tenants And Lessees
- Proof of Publication (see ICPG, Attachment 23)



Transmittal Form to OGC

- Step 9: Site Manager Prepares the Transmittal Form - ICPG, Attachment 6
- Memo includes:
 - Summary of the Site
 - Any Proposed Restrictions
 - Identify all Affected Media (Soil and/or GW)
 - Cite any Special Circumstances
 - Contact information for the ATC, Legal Representative, Site Owner & RP (if different)
- Send Transmittal Form & DRC Packet to PE Technical Reviewer
- After approval, PE forwards the DRC Packet to OGC



Next Steps

- Step 10: Site Manager sends electronic copy of DRC Packet to PRP PG/PE Technical Reviewer

Team 5, 6 and Local Programs

- ❖ PG IC Technical Reviewer – Christa Bingel, P.G.
- ❖ PE IC Technical Reviewer – James Treadwell, P.E.

Teams 1 & 2

- ❖ PG IC Technical Reviewer – Team PE/PG

- Step 11: Following PG/PE review, DRC packet should be:
 - 1) Scanned into Oculus
 - 2) Emailed to: Lea Crandall for OGC Tracking #
OGC Agency Clerk, Agency_Clerk@dep.state.fl.us

Note: Email should contain the web link to the DRC Package in Oculus.



Placement of Restrictive Covenants in Oculus

Based on Oculus Global Taxonomy, documents should be uploaded into Oculus as follows:

Draft Restrictive Covenants

- Profile: Enforcement_Legal, Document Type: Restrictive Covenants-Deed Restrictions

Final Restrictive Covenants

- Profile: Enforcement_Legal, Document Type: Restrictive Covenants-Deed Restrictions

Final SRCO with Conditions

- Profile: Enforcement_Legal, Document Type: Final Orders



Legal Review

The DRC is downloaded from Oculus by OGC for Legal review:

- Dan Blackwell -Paralegal tasked with initial review of DRCs
- 1st point of contact for DRC questions.
- Responsible for tracking all IC packages in OGC
- Can answer many of the questions you may have, including which attorney is assigned to the DRC file.
- Dan.Blackwell@dep.state.fl.us or at 850-245-2287.



Next Steps

- Step 12: Site Manager waits for OGC comments to be sufficiently addressed.

If an owner's response takes more than 60 days, SM should inquire in writing as to the delay.

- Step 13: OGC forwards executed DRC to Program Administrator for signature.
- Step 14: SM mails DRC to RP for signature and recordation.



Recordation

This is the stamp applied when the Restrictive Covenant is recorded into public record.

You will need this

Book _____ Page _____

for the final ICRS form Tab 18.

GADSDEN COUNTY NICHOLAS THOMAS
Instrument: 130001150 Recorded: 02/14/2013 10:38 AM

OFFICIAL RECORDS: 1 of 11
Book: 771 Page: 172

Recording Fee: \$95.00

This instrument prepared by:
Amanda H. Anderson, Esq.
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dec, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Matter No. ~~120277~~ 12.2272

DECLARATION OF RESTRICTIVE COVENANT



Next Steps

- Step 15: SM scans signed final IC into DWM Oculus.
- Step 16: Prepare Well Abandonment PO →
Approve WA Report
- Step 17: Prepare SRCO with Conditions.
- Step 18: Complete and submit the Institutional Control Registry Sheet (ICRS).
(Note: ICRS is being updated to ERIC so look for changes soon.)
- Step 19: Scan ICRS and signed SRCO into Oculus.



ICRS

Institutional Control Registry Data Sheet

For further information please see: <http://www.dep.state.fl.us/waste/categories/brownfields/pages/ICR.htm>

Jacquelyn R. Brooks

Site/Project Manager *

(850) 877-1133

Site/Project Manager Phone # *

GADSDEN

County *

208519577

Facility ID or other DEP Tracking #*

ONE STOP

Facility Name *

208 South Main Street

Facility Address *

Havana

City *

32333

Zip *

34

Section *

3 North

Township *

2 West

Range *

771

Book Number **

172

Page Number **

2-34-3N-2W-0000-00113-0700

Parcel ID *

30

Lat DD *

37

Lat MM *

14.8900

Lat SS *

84

Long DD *

24

Long MM *

55.7713

Long SS *

DPHO

Lat/Long Acquisition Method *

RESTRICTIVE COVENANT

Institutional Control Mechanism *

02/14/2013

Date Recorded *

PETROLEUM

Program Area *

04/09/2013

Date Order Issued

Date IC Removed



Registry Confirmation

From: Williams, Christopher A.
Sent: Thursday, April 11, 2013 10:39 AM
To: Brooks, Jackie R.
Cc: DWM_ICR
Subject: One Stop STCM # 8519577

Jacquelyn, [We have updated your ICR site to our database.](#) If you have any questions, please feel free to call me at anytime.

INSTITUTIONAL CONTROL MECHANISM		DATE IC RECORDED	PROGRAM AREA	DATE ORDER ISSUED
RESTRICTIVE COVENANT		02/14/2013	PETROLEUM	4/9/2013
Save Site				
Add	▶	IC MECHANISM	DATE IC RECORDED	PROGRAM AREA
Remove	*	RESTRICTIVE COVENANT	02/14/2013	PETROLEUM
Clear				
Amend	Record: 1 of 1			
INSTITUTIONAL CONTROL TYPE		ENGINEERING CONTROL TYPE		
DIGGING RESTRICTION		IMPERVIOUS CAP		



ICRS Common LSSI Problems

Here are the most common issues when submitting a new LSSI ICR:

- Book # and Page # only needs to have “NA” entered
- Date Record only needs to have “NA” entered
- Date Order Issued - LSSI only needs the date that the document was signed by the director.
- All LSSI need to have this statement in the Comment area. – “Limited groundwater (GW) assessment completed under LSSI Program. Minimal on-site contamination levels met LSSI NFA criteria. Do not use GW for drinking water or irrigation. For clarification, contact DEP LSSI Coordinator.”



Common DRC Problems

- Title Search Missing or Out of Date
- Poor Contact Information on IC Transmittal Form (i.e., ATC, Legal representative)
- Engineering Control Not Surveyed or Not Certified
- Engineering Control Maintenance Plan Not Prepared or not adequate
- No Proof of Notice of FDEPs Intent To Use Institutional Engineering Control



- Questions?