

[INSERT DATE]

[INSERT NAME AND ADDRESS]

RE: [INSERT ADDRESS OF PROPERTY IN QUESTION]

Dear [INSERT NAME]:

The Florida Department of Environmental Protection (“Department”) is in receipt of your request for information regarding the Department’s enforcement procedures as they relate to property that may have been contaminated by adjacent or nearby contaminated sites.

The Department does not consider a property owner liable for, nor does it require a property owner to pay for, cleanup costs associated with discharges and ground water contamination that has migrated onto its property from an adjacent or nearby contaminated site *provided that*:

- the property owner does not own, and has never held an interest in, the source site of the contamination;
- the property owner did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance, through any act or omission, *and* the property owner continues to exercise due care in the management of the property such that the property owner does not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance, through any act or omission;
- the person or persons who caused the release is not an agent or employee of the property owner and was not in a direct or indirect relationship with the property owner; and

*[INSERT NAME OF ADDRESSEE]*

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- there is no alternative basis for liability pursuant to Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") or any other federally delegated program.

Without a full site assessment or investigation and a determination of the source of the contamination, the Department cannot make an unqualified determination or assertion regarding potential liability for contamination that may exist at a property. However, as long as the contamination on the property fits within the conditions set forth above, the property owner need not be concerned with any enforcement action from the Department.

Please call me at *[INSERT CONTACT NUMBER]* if you have any questions or desire additional clarification.

Sincerely,

*[INSERT NAME AND TITLE]*

cc: