

INSTRUCTIONS FOR USE OF SITE ACCESS DOCUMENTS

The site access documents under the Chapter 62-780, F.A.C., section of the Enforcement Manual are for use when attempting to assist a Person Responsible for Site Rehabilitation (“PRSR”) with gaining access to a property. If you are attempting to gain access for the Department only, please contact the appropriate OGC program attorney for further assistance.

Please note that there are two sets of documents. The first set is for use when PRSR needs access to a property for site assessment activities and the second is for when a PRSR needs access to a property for site remediation activities. The same procedure (as outlined below) applies to both types of documents.

- 1) If a PRSR is unable to negotiate a site access agreement with a property owner and requests assistance from the Department, the first step is to send out a letter to the property owner. Sample letters for site assessment and site remediation activities are attached. These letters may be sent without OGC review. Please note that work plans or descriptions of the work to be done on the property may be attached to the letters, but site access agreements from PRSRs may NOT be attached.
- 2) Once the letter is sent out, the project manager should place a reminder on his or her calendar to follow up with the PRSR in 14 days to see if the property owner has contacted the PRSR to negotiate site access. If yes, no further action is needed. If no, go to step 3.
- 3) If the property owner has not contacted the PRSR or has still refused site access after receiving the letter, the project manager should prepare the following documents and email them to Alike Moncrief.
 - a. **LCT Form** – Complete an LCT Form and be sure to include the information on the PRSR who needs access, including any associated OGC/COMET/Site numbers. Please also make a note on the LCT Form or in the accompanying email describing what evidence we have that the contamination has migrated onto the property we are trying to get access to (e.g., high levels of contaminants in wells at property boundaries, groundwater flow in direction of property and high levels in wells upgradient of property, soil contamination at property boundaries, etc.).
 - b. **Notice of Intent** – Complete the Notice of Intent to Issue Order Requiring Access to Property.
 - c. **Final Order** – Complete the Final Order.
- 4) When the Litigation Deputy receives the documents, she/he will assign the matter to an OGC attorney.

- 5) OGC will review the documents and provide any comments or questions to the project manager.
- 6) When the documents are finalized, OGC will return the Notice of Intent to the project manager with a recommendation that the Notice of Intent be signed by the District Director.
- 7) Once the District Director signs the Notice of Intent, the project manager should send the Notice of Intent to the property owner via certified mail.
- 8) When the signed certified mail return receipt is received, the project manager should scan the receipt and send a copy to the OGC attorney or, if a WCU case, the WCU paralegal. The project manager and the OGC attorney or paralegal should place a reminder on their calendars for 21 days from the date that the certified mail return receipt is signed. Please note that this is 21 days, not 21 business days.
- 9) When the 21 day time frame has passed, if no petition or other comments are received, OGC will provide the Final Order with the exhibits to the project manager with a recommendation that the Final Order be signed by the District Director.
- 10) Once the District Director signs the Final Order, the project manager should send the Final Order to the property owner via certified mail.
- 11) When the certified mail return receipt is received, the project manager should scan the receipt and send a copy to the OGC attorney or, if a WCU case, the WCU paralegal. The project manager should then notify the PRSR that they may access the property 10 days after the date the certified mail return receipt is signed.

If a property owner does not sign the certified mail return receipt or cannot be located, please contact OGC for further instructions. If a consultant has concerns about accessing the property using the Final Order, please also contact OGC for further assistance.