

**Review of Miami-Dade County  
Brownfield Delegation Agreement**

**Division of Waste Management**

**Report: A-1516DEP-032**

**Office of Inspector General**

**Internal Audit Section**

**Florida Department of Environmental Protection**

**March 3, 2017**

3900 Commonwealth Boulevard, MS 40  
Tallahassee, Florida 32399-3000  
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Report: A-1516DEP-032

## Table of Contents

<b>Scope and Objectives .....</b>	<b>1</b>
<b>Methodology .....</b>	<b>1</b>
<b>Background .....</b>	<b>1</b>
<b>Results and Conclusions .....</b>	<b>2</b>
<b>Findings and Recommendations.....</b>	<b>3</b>
<b>Division Response.....</b>	<b>6</b>

Report: A-1516DEP-032

The Office of Inspector General (OIG) conducted a review of the Delegation Agreement (Agreement) between the Florida Department of Environmental Protection's (Department) Division of Waste Management (Division) and Miami-Dade County (County).

## **Scope and Objectives**

The scope included a review of activities specified in the Agreement between the Division and the County during Fiscal Year 2015-2016. The objective was to determine whether the County was in compliance with the Agreement and evaluate Division oversight.

## **Methodology**

This review was conducted under the authority of Section 20.055, Florida Statutes (F.S.), and in conformance with the *International Standards for the Professional Practice of Internal Auditing*, published by the Institute of Internal Auditors. Our procedures included review of Division and County records and procedures as well as interviews with Division and County staff.

## **Background**

Section 376.77, F.S., established the Brownfields Redevelopment Act. According to Section 376.78(1), F.S., *the reduction of public health and environmental hazards on existing commercial and industrial sites is vital to their use and reuse as sources of employment, housing, recreation and open space areas. The reuse of industrial land is an important component of sound land use policy for productive urban purposes which will help prevent the premature development of farmland, open space areas, and natural areas, and reduce public costs for installing new water, sewer, and highway infrastructure.* According to Section 376.80(9), F.S., the Division is authorized to enter into delegation agreements with local pollution control

Report: A-1516DEP-032

programs to administer the Brownfield Program. The Division entered into the Agreement with the County on October 22, 2010. The Agreement delegated local authority and responsibility to the County for lands within the County's geographic boundaries and jurisdiction *to increase governmental efficiency and avoid duplicative regulatory efforts while maintaining levels of environmental protection*. The Agreement expires October 22, 2020.

The Agreement requires the County to maintain funding, staff, records, and equipment to administer the Brownfield Program within the County. Executed Brownfield Site Rehabilitation Agreements (BSRA) are to be submitted upon execution to the Department by the County. In addition, the Agreement requires the County to submit a Brownfields Program Annual Report to the Department by June 1st of each year detailing the County's activities. As part of Department oversight, the Agreement specifies that the Division will perform periodic performance audits of the County's administration of the Brownfield Program.

## **Results and Conclusions**

The Division maintains a Brownfields Redevelopment Program Database for all designated brownfield sites in the State of Florida. Based on interviews with the Division Brownfield Program Coordinator, the Division acts as a repository for County brownfield designation documentation, and consults with the County to provide guidance.

Section 376.80(5), F.S., specifies requirements for BSRA. Required documents include rehabilitation schedules, as well as commitments regarding rehabilitation activities, quality assurance, site access, pollution prevention measures and compliance with criteria applicable to Federal, State and local laws. BSRA packages also must include timeframes for review of technical reports and certifications by brownfield site rehabilitation responsible parties. We

Report: A-1516DEP-032

obtained the four BSRA packages submitted during the review period by the County to the Division. These BSRA packages included documents as required under Section 376.80(5), F.S.

Section 10.03.1(b) of the Agreement indicates that the County *shall submit fully executed copies of Brownfield Site Rehabilitation Agreements (BSRA) within fifteen (15) days after the execution of the BSRA*. The Division does not monitor the timeliness of these submissions. However, we obtained copies of County emails notifying the Division of each of the four executed agreements included as part of the County's Brownfields Program Annual Report for 2016. The date of each notification was within the fifteen-day submission window.

Section 10.03.1(a) of the Agreement requires the County to submit its Brownfields Program Annual Report to the Division by June 1 of each year. The County's Brownfields Program Annual Report for 2016 was submitted May 27, 2016, in compliance with the Agreement.

Based on discussion with the County and Division staff, the County maintains staff, equipment, and records as specified in the Agreement. According to the Division's Brownfield Coordinator, the Division has not performed periodic performance reviews as required under Section 11 of the Agreement.

## **Findings and Recommendations**

### **Finding: Division Oversight**

Section 11 *Program Oversight* of the Agreement states, *the Department shall periodically conduct performance audits of [the County's] administration of this delegated program*. However, according to the Division Brownfield Coordinator, the Division functions

Review of Miami-Dade County Brownfield Delegation Agreement  
Division of Waste Management

Report: A-1516DEP-032

primarily as a repository for all State BSRA's and does not conduct performance audits or reviews of the delegated Brownfield Programs.

Section 10.03.1(b) *Reporting Requirements* of the Agreement states that the County *shall submit fully executed copies of Brownfield Site Rehabilitation Agreements (BSRA) within fifteen (15) days after the execution of the BSRA*. We verified that the BSRA's provided to the Department during the review period were submitted within the required timeframe. However, the Division Brownfield Coordinator indicated that the Division has not tracked the dates of BSRA submittals. Section 10.03.1(c) *Reporting Requirements* of the Agreement states that the County *shall submit to the Department copies of all approval letters within fifteen (15) days of issuance by [the County] in conjunction with the review of any technical documents and Final Orders resulting from the provisions of this Agreement*. According to the Division Brownfield Coordinator, this provision of the Agreement has not been formally tracked, as the Division is consulted informally as needed by the County for technical review.

**Recommendation:**

We recommend the Division establish a process for periodic performance review of the County's administration of the Brownfield Program as outlined in the Agreement. Additionally, the Division should establish a process to track submittal of required documents in order to monitor County performance and compliance with the Agreement.

Review of Miami-Dade County Brownfield Delegation Agreement  
Division of Waste Management

Report: A-1516DEP-032

*To promote accountability, integrity, and efficiency in state government, the OIG completes audits and reviews of agency programs, activities, and functions. Our audit was conducted under the authority of Section 20.055, F.S., and in conformance with the International Standards for the Professional Practice of Internal Auditing, published by the Institute of Internal Auditors, and Principles and Standards for Offices of Inspector General, published by the Association of Inspectors General. The audit was conducted by Kim Vickery and Tyler Bradford and was supervised by Valerie J. Peacock.*

*Please address inquiries regarding this report to the OIG's Audit Director by telephone at (850) 245-3151. Copies of final reports may be viewed and downloaded via the internet at <http://www.dep.state.fl.us/ig/reports.htm>. Copies may also be obtained by telephone (850) 245-3151, by fax (850)245-2994, in person or by mail at Department of Environmental Protection, Office of Inspector General, 3900 Commonwealth Boulevard, Mail Station #41, Tallahassee, FL 32399.*

*Valerie J. Peacock,  
Director of Auditing*

*Candie M. Fuller,  
Inspector General*



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## Memorandum

**TO:** Valerie J. Peacock, Director of Auditing  
Office of Inspector General

**FROM:** F. Joseph Ullo, Jr., P.E., Director   
Division of Waste Management

**SUBJECT:** Response to Preliminary Audit Report A-1516DEP-032  
Review of Miami-Dade County Brownfield Delegation Agreement

**DATE:** February 24, 2017

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The Division of Waste Management has reviewed the Review of Miami-Dade County Brownfield Delegation Agreement, Report A-1516DEP-032. The Division concurs with the Findings and Recommendations presented in the preliminary report with regard to determining whether the County was in compliance with the Agreement and evaluating Division oversight.

### **Office of Inspector General Findings and Recommendations:**

Finding: Division Oversight

1. Section 11 *Program Oversight* of the Agreement states, *the Department shall periodically conduct performance audits of [the County's] administration of this delegated program.* However, according to the Division Brownfield Coordinator, the Division functions primarily as a repository for all State BSRA's and does not conduct performance audits or reviews of the delegated Brownfield Programs.
2. Section 10.03.1(b) *Reporting Requirements* of the Agreement states that the County *shall submit fully executed copies of Brownfield Site Rehabilitation Agreements (BSRA) within fifteen (15) days after the execution of the BSRA.* We verified that the BSRA's provided to the Department during the review period were submitted within the required timeframe. However, the Division Brownfield Coordinator indicated that the Division has not tracked the dates of BSRA submittals. Section 10.03.1(c) *Reporting Requirements* of the Agreement states that the County *shall submit to the Department copies of all approval letters within fifteen (15) days of issuance by [the County] in conjunction with the review of any technical documents and Final Orders resulting from the provisions of this Agreement.* According to the Division Brownfield Coordinator, this provision of the Agreement has not been formally tracked, as the Division is consulted informally as needed by the County for technical review.



Recommendation:

We recommend the Division establish a process for periodic performance review of the County's administration of the Brownfield Program as outlined in the Agreement. Additionally, the Division should establish a process to track submittal of required documents in order to monitor County performance and compliance with the Agreement.

**Response from the Division of Waste Management:**

As of February 2017, Brownfield Redevelopment Program staff have begun working on establishing processes for conducting performance audits and tracking submittal of required documents to monitor County performance and compliance with the Agreement.

- Program staff will conduct performance audits annually for Miami-Dade County under this agreement. Program staff will establish a schedule and metrics for the performance audit of the County Brownfield program by May 31, 2017, and conduct a performance audit by December 31, 2017.
- By March 31, 2017, Program staff will also establish a process for tracking submittals of required documents and ensure that Miami-Dade County understands the process, schedule and method for submittal, along with any corrective action requirements.