**[Letter for notice to site owner if there is a funding cap]**

{Date}

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

[Mr. OR Ms. OR . . .] {*Owner’s Name*}

{*Owner’s Company (if applicable)*}

{*Owner’s Address*}

{*City, State Zip Code*}

Subject: Request for Participation in Cleanup Decision

{*Site Name*}

{*Site Street Address*}

{*City, xxx*} County

FDEP Facility ID# {*xxxxxxxxx*}

Dear [Mr. OR Ms. OR . . .] {*Owner’s Last Name*}:

This letter is to inform you as to the status of the cleanup of the petroleum contaminated site referenced above, for which you are the responsible party of record, and also to request that you participate in the selection of the cleanup strategy for the site. The Site Assessment Report (SAR), which determines the extent and degree of contamination on-site, has been completed by your designated Agency Term Contractor (ATC) and has been approved by the Florida Department of Environmental Protection (FDEP). The assessment report indicates that active remedial action will be necessary to achieve the Chapter 62-777, Florida Administrative Code, groundwater and soil Cleanup Target Levels in a reasonable timeframe. Your designated ATC contractor will soon initiate preparation of the Remedial Action Plan (RAP), which is an engineering evaluation of alternatives for site cleanup and design of the selected cleanup method. This site is subject to a funding cap (the maximum funds which may be expended from the Inland Protection Trust Fund) of $ {\_\_\_\_\_\_}. Approximately $ {\_\_\_\_\_\_} has already been spent on this site to date on assessment and other cleanup related activities.

This means that [ you OR your company], as the party responsible for site rehabilitation, will have to pay the remainder of the cleanup cost if and when the funding cap is reached. Cleanup costs are difficult to estimate with precision due to varying geological conditions and the inherent limitations of the methods used to determine the distribution of contamination. For these reasons and because the RAP has not yet been prepared to identify the type and scope of cleanup strategy which is most appropriate and cost effective for your site, a reliable estimate of the cleanup cost of your site is not available. However, it is possible that you will have to contribute substantial funds toward the site cleanup. Therefore, we request your participation in the selection of the strategy of site rehabilitation before we make a commitment to a course of action.

There are some alternatives to a complete cleanup of the site to the soil and groundwater Cleanup Target Levels that you should consider. A complete cleanup of the site will result in the site qualifying for No Further Action (with no conditions). As an alternative, sites may receive a “No Further Action with Conditions,” and leave some degree of contamination on-site if the site owner agrees to the enactment of institutional controls related to the residual contamination. Such institutional controls generally involve deed restrictions, which must be maintained on the site by current and future landowners as long as contamination remains. Examples of such institutional controls are a prohibition for the installation of water supply wells on-site if there is groundwater contamination remaining, requirements to maintain a surface covering over the site (e.g., pavement) if there is soil contamination remaining, and a requirement to properly dispose of contaminated soil if excavation activities are ever performed to the depth of contaminated soil for some reason. Implementing such institutional controls in lieu of a complete cleanup would likely result in savings to the total cleanup cost and therefore your portion of the cleanup cost. For further information, I have enclosed a draft “Declaration of Restrictive Covenant” document. A formal document following this general format, and signed by the current site owner, would have to be filed with the FDEP before a Site Rehabilitation Completion Order could be granted if contamination remains on-site.

In order to select the most cost-effective strategy for the site cleanup, we need to know what the cleanup objectives will be; complete cleanup to the Cleanup Target Levels for soil and groundwater, or a partial cleanup to levels for which institutional controls would be necessary. We have instructed your designated ATC contractor to discuss the options for cleanup strategies and for Site Rehabilitation Completion with you before submitting a proposal to prepare a RAP. We expect that the RAP preparation task assignment proposal submitted by the designated contractor will acknowledge this discussion with you and will propose a scope of remedial design commensurate with your decision on the degree of cleanup to be accomplished.

If you have any questions, please do not hesitate to contact me at (850) {*xxx‑xxxx*} or at the letterhead address, Mail Station {*xxxx*}.

Sincerely,

{*Site Manager*}

{*Site Manager’s Title (optional)*}

Team {*x*}

Petroleum Restoration Program

E-mail: {*FirstName*}.{*LastName*}@dep.state.fl.us

/{*site manager’s initials (lower case)*}

enclosure {*sample Declaration of Restrictive Covenant*}

cc: {*ATC Contractor, Contractor’s Address*}

File

{*Responsible Party, if different from site owner*}