#### **SAMPLE CONSTRUCTIVE NOTICE OF**

#### **INTENT TO APPROVE USE OF INSTITUTIONAL CONTROL**

Pursuant to subsection 62-780.680(8), F.A.C., (and similar provisions in 62-770, 62-782 and 62-785), the Person Responsible for Site Rehabilitation (PRSR) is required to provide constructive notice of the Department’s intent to approve the PRSR’s No Further Action Proposal with Controls (either an institutional control or both engineering and institutional controls). The PRSR must provide the notice prior to the Department’s approval of such proposal (but within 30 days after the Department’s conditional approval of the proposal). Pursuant to subsection 62-110.106(5), F.A.C., the PRSR must publish the notice at its expense in the legal advertisements section of a newspaper of general circulation (i.e., meeting the requirements of ss. 50.011 and 50.031, F.S.) in the county in which the effects of the Department’s proposed action will occur. The PRSR must provide proof of publication within seven days of the publication by furnishing the Department with a uniform affidavit in substantially the form prescribed in s. 50.051, F.S. The following sample meets this constructive notice requirement.

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Protection gives notice that it proposes to approve a No Further Action Proposal with institutional controls or with engineering and institutional controls and issue a Site Rehabilitation Completion Order with Controls for a contaminated site. {PRSR} is seeking this Order in reference to {FDEP FACILITY ID/BSRA SITE ID#, FACILITY NAME, ADDRESS} and intends to restrict exposure to contamination in the following manner: {DESCRIBE THE TYPE OF CONTROLS SUCH AS LAND USE RESTRICTIONS, WATER USE RESTRICTIONS, CAPS OVER CONTAMINATED SOIL, ETC}.

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the Department’s preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at {DISTRICT or LOCAL PROGRAM ADDRESS}.

Local governments with jurisdiction over the property subject to the institutional control, real property owner(s) of any property subject to the institutional control, and residents of any property subject to the institutional control have 30 days from publication of this notice to provide comments to the Department. Such comments must be sent to {DISTRICT or LOCAL PROGRAM MAILING ADDRESS and CONTACT PERSON}.