



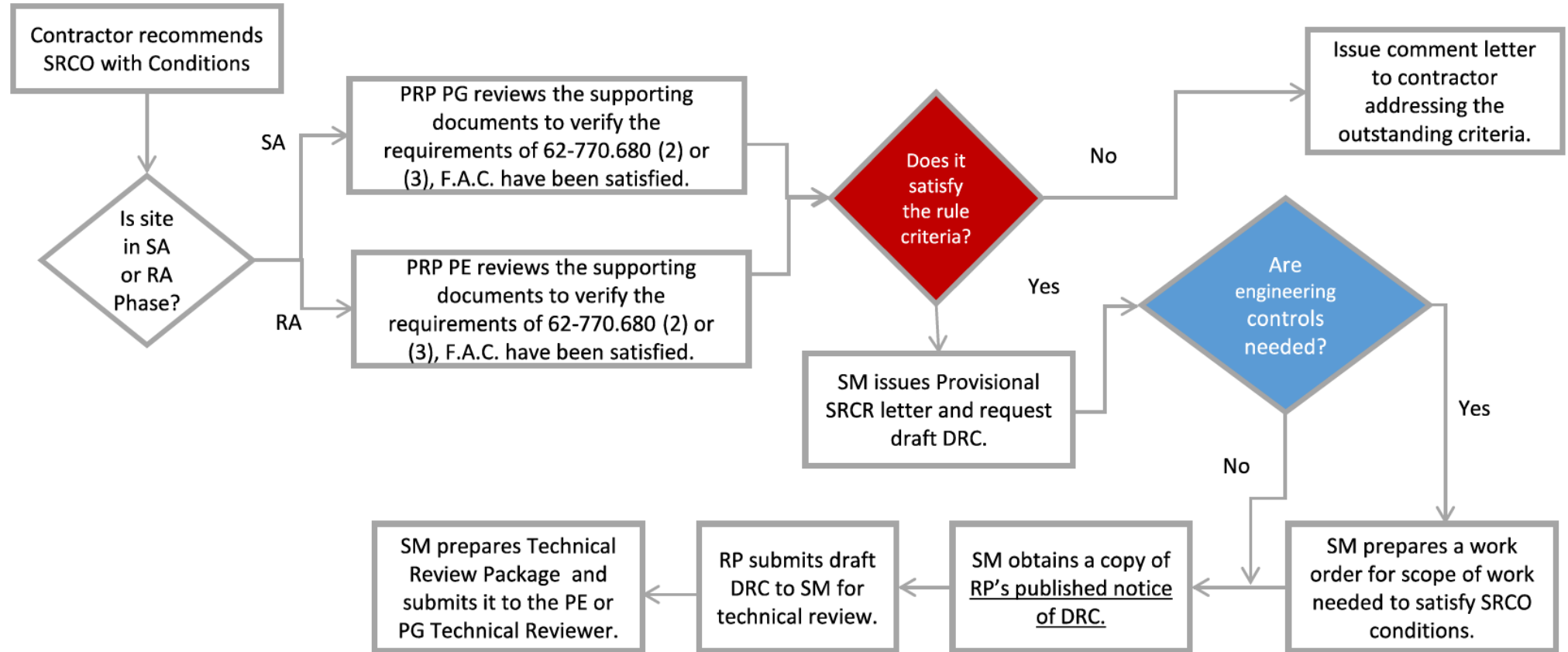
Petroleum Restoration Program

RMO II - Conditional Closure Process for Site Managers

Revised 6/5/19



Restrictive Covenant Flow Chart – Technical Steps



Key: PRP – Bureau of Petroleum Storage Systems
 FDEP – FL Dept of Environmental Protection
 PE – Professional Engineer
 RP – Responsible Party
 SRCR – Site Rehabilitation Completion Report

DRC – Declaration of Restrictive Covenant
 ICRS – Institutional Control Registry Sheet
 PG – Professional Geologist
 SA – Site Assessment

F.A.C. – Florida Administrative Code
 OGC – Office of General Counsel
 RA – Remedial Action
 SM – Site Manager



Next Steps

Once Report is approved concurring with NFAC,

- Step 1: Issue Deliverable Review Letter
- Step 2: Issue Provisional Site Rehabilitation Completion Report Letter (ICPG, Attachment 7)



Next Steps

- Step 3: Attach a copy of the ICPG for reference
- Step 4: Request Draft Restrictive Covenant (DRC)
- Step 5: Prepare Purchase Order





Allowable Costs for PRP Funding

Florida Statute 376.3071(5)(b)4 Inland Protection Trust Fund

Professional Land Survey

Entire or Partial property for restrictions.

Title Search Report

Performed within 180 days of the DRC Review

Comply with OGC Training Guidance

Affidavit of Title (ICPG, Attachment 8)





Allowable Costs for PRP Funding

Recording Fees

Restrictions (DRC) are recorded in county public records where the restricted property is located.

Engineering Control Design & Installation

Unless an engineering control already exists.





Allowable Costs for PRP Funding

Engineering Certification Report:

- Use SPI Line Item #19-13 to fund this report (case by case)
- P.E. Certification of design sufficiency (SPI Line Item # 21-9 through #21-12)
- Level of Effort (LOE) equivalent to Level 1 Limited Scope RAP.



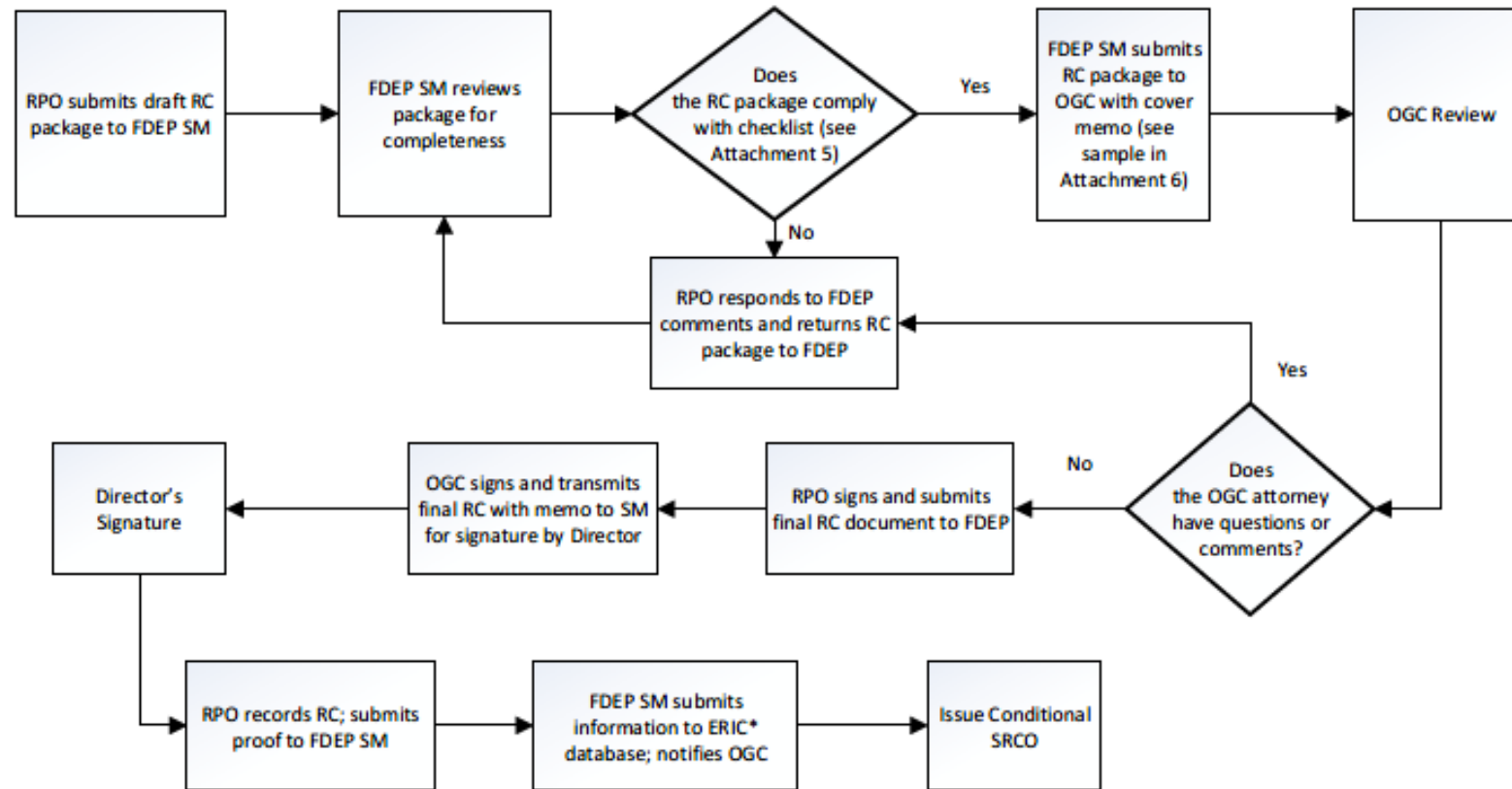
Costs Not Allowed for PRP Funding

Legal Representation (fees)



Flow Chart – Legal Steps

Attachment 1: Flow Chart of Restrictive Covenant Approval Process



Key:	FDEP – Department of Environmental Protection	OGC – Office of General Counsel	RC – Restrictive Covenant	SRCO – Site Rehabilitation Completion Order
	PRP – Petroleum Restoration Program	IC – Institutional Control	SM – Site Manager	RPO – Real Property Owner

* PRP SM submits info to designated ERIC contact person for data entry.



Next Steps

- Step 6: Site Manager (SM) verifies that DRC Package is complete.
- Step 7: Team PG/PE reviews and approves DRC for technical completeness.
- Step 8: SM prepares DRC Packet for Lead PRP PG/PE Technical Review





Note

The DRC Package should be scanned into Oculus as a single pdf document. The email to the Agency Clerk requesting OGC Review of the IC Package should contain the link to the IC Package to be reviewed



DRC Package

The DRC Package should include:

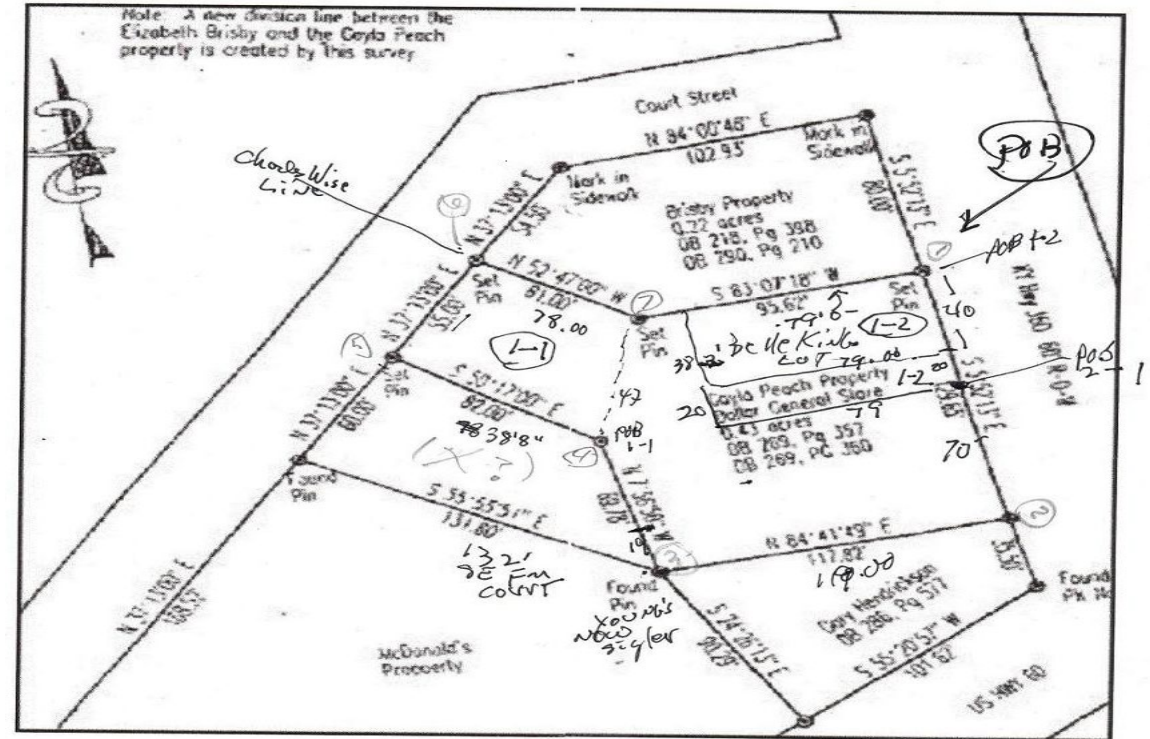
- DRC Checklist
- Form A or B
- Engineering Certification Report (P.E. Sealed)
& PRP Approval Letter





DRC Package

- Map of Encumbrances and Restricted Area, and List of Encumbrances
- Legal Description of the entire property
- Specific Purpose Survey (if only a portion of the site is being restricted)





DRC Package

- Notices of Intent
- Title Report
- Joinder and Consent of Tenants and Leases





Transmittal Form to OGC

- Step 9: SM Prepares the Transmittal Form (ICPG, Attachment 6)
- Memo Includes:
- Summary of the Site
- Any Proposed Restrictions
- Identify all Affected Media (Soil and/or GW)
- Cite any Special Circumstances
- Contact Information for the ATC, Legal Representative, Site Owner & RP (if different)



Next Steps

Step 10: SM sends electronic copy of DRC Package to PRP PG/PE Technical Reviewer

Teams 5, 6, and Local Programs

- Team PE IC: James Treadwell
- Team PG IC: Christa Bingel

Teams 1 & 2

- IC Technical Reviewer – Team PE





Placement of Restrictive Covenants into Oculus

Based on Oculus Global Taxonomy, documents should be uploaded into Oculus as follows:

Draft Restrictive Covenants

- Profile: Enforcement_Legal, Document Type: Restrictive Covenants-Deed Restrictions

Final Restrictive Covenants

- Profile: Enforcement_Legal, Document Type: Restrictive Covenants-Deed Restrictions

Final SRCO with Conditions

- Profile: Enforcement_Legal, Document Type: Final Orders



Legal Review

The DRC is downloaded from Oculus by OGC for Legal Review:



- Jordan Bennett –
- Paralegal tasked with the initial review of DRCs
- 1st point of contact for DRC questions
- Responsible for tracking all IC packages in OGC
- Jordan.R.Bennett@dep.state.fl.us or at (850) 245-2242



Next Steps

- Step 12: SM waits for OGC comments to be sufficiently addressed.
- Step 13: OGC forwards executed DRC to Program Administrator for signature.
- Step 14: SM mails DRC to RP for signature and recordation.



Recordation

This is the stamp applied when the Restrictive Covenant is recorded into public record.

You will need this

Book ____ Page ____

for the final ICRS form Tab 18.

GADSDEN COUNTY NICHOLAS THOMAS
Instrument: 130001150 Recorded: 02/14/2013 10:38 AM

OFFICIAL RECORDS: 1 of 11
Book: 771 Page: 172

Recording Fee: \$95.00

This instrument prepared by:
Amanda H. Anderson, Esq.
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dec, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Matter No. ~~120277~~ 12.2272

DECLARATION OF RESTRICTIVE COVENANT



Next Steps

- Step 15: SM scans signed final IC into DWM Oculus.
- Step 16: Prepare Well Abandonment PO & Approve WA Report
- Step 17: Prepare SRCO with Conditions.





Next Steps

- Step 18: Send the Oculus Link for Final DRC to your designated ERIC contact person for:
 - Shapefile Creation
 - Final DRC Date Entry



Team 5 ERIC Contacts

NorthStar Contracting Group, Inc.

Richard Thomas

RThomas@northstar.com

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Geoff Perkins

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(850) 222-6446 ext 5023



Team 6 ERIC Contacts

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Loury Migliorelli

LMigliorelli@ene.com

(850) 877-1133 ext 3735



Local Programs ERIC Contacts

Broward County Contacts

Norman Arrazola

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(954) 519-1439

David Vanlandingham

DVanlandingham@broward.org

(954) 519-1478



Local Programs ERIC Contacts

All Other Counties

Sammie Jo Spence, FCCM

or

Natasha Toth, FCCM

[PRP ICR DATA@FloridaDEP.gov](mailto:PRP_ICR_DATA@FloridaDEP.gov)

(850) 245-8920



Remember This!!!

- NFAC Orders must be **PROTECTIVE**
- Must have a year of monitoring to determine groundwater plume stability.





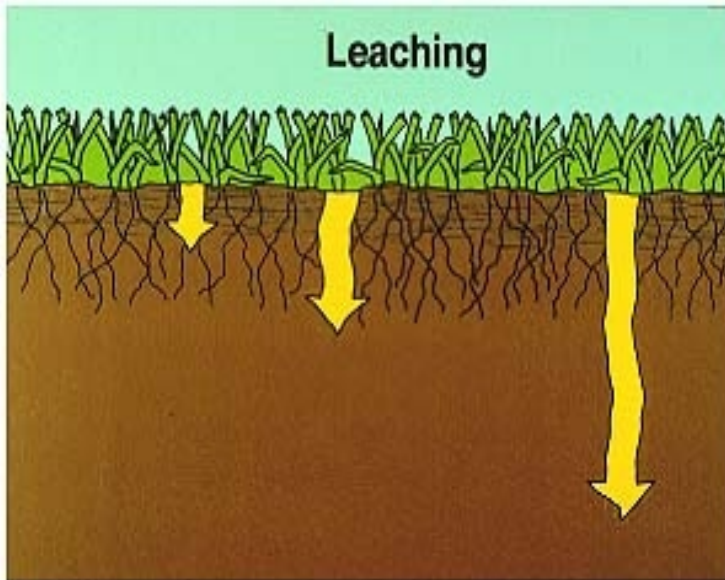
Remember This!!!

Groundwater restricted area must include a buffer around (and under) the plume, such that a well installed immediately outside the buffer will not increase the risk to human health or the environment.



Remember This!!!

Soil must be addressed for
Leachability and Direct
Exposure.





Remember This!!!

If the proposed restricted area is too small, or you're uncertain, ask for a formal risk assessment.



Contact Information

Jackie Brooks, P.E.
PRP, Team 6
(850) 877-1133 ext. 3724
jbrooks@ene.com

