



# NOTICE OF CONTAMINATION



Melike Altun  
February, 2019

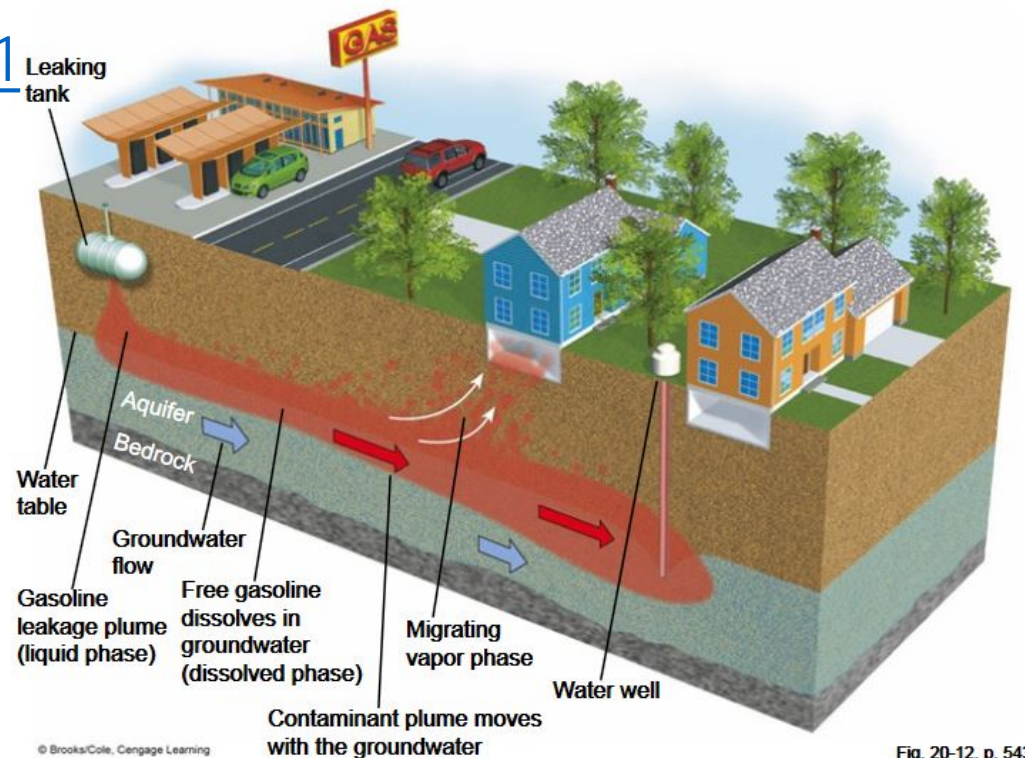


# Notice of Contamination

Florida Statutes 376.3071, 376.30702– Inland Protection Trust Fund

<https://www.flsenate.gov/Laws/Statutes/2018?query=376.3071>

authorizes the Department whenever, in its determination, incidents of inland contamination related to the storage of petroleum or petroleum products may pose a threat to the public health, safety, or welfare, water resources, or the environment to assess and remediate contamination, and notify the affected parties during the process for the protection of the public health, safety, and welfare of the residents of this state.







# Types of Notices

For Funded Sites, there are five types of notification required by Florida statutes and Department rules that are performed by the PRSR or the School Board, as applicable:

- ✓ Initial Notice of Contamination Beyond Property Boundaries, Chapter 62-780.220(2), F.A.C.
- ✓ Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC) Chapter 62-780.220(3), F.A.C.
- ✓ Status update 5-Year noticing for INOC and TPOC, Chapter 62-780.220(4), F.A.C.
- ✓ Required Notice for schools to teachers and parents or guardians of students by the district school board when contamination is discovered at certain school properties, Chapter 62-780.220(6), F.A.C.
- ✓ Required Notice for conditional closure using institutional controls, engineering controls or alternative CTLs Chapter 62-780.220(7), F.A.C.



## How will it be delivered?

**By Mail(Actual notice):** Notice of Contamination delivered in written form mailed by “Certified Mail, Return Receipt Requested” or other forms of delivery that provide confirmation of receipt.

**Constructive notice:** A one-time published notice in a standard-size newspaper of general circulation. Such constructive notice is not required for site rehabilitation being conducted for petroleum or petroleum products contamination that are not associated with a brownfield site.



# Who is the Person Responsible for Site Rehabilitation (PRSR)?

For funded PRP sites, the PRSR is ALWAYS the site manager on behalf of the Department. It includes;

FDEP Site Managers,  
Team 5 Site Managers,  
Team 6 Site Managers  
All Local Program Site Managers.





# Initial Noticing Beyond Property Boundaries (INOC)

Initial Noticing Beyond Property Boundaries is a requirement set forth by the legislature for FDEP to notify the owners of all properties affected by petroleum contamination.

Initial Noticing is required for both soil and groundwater contamination

Two types:

Suspect

Confirmed

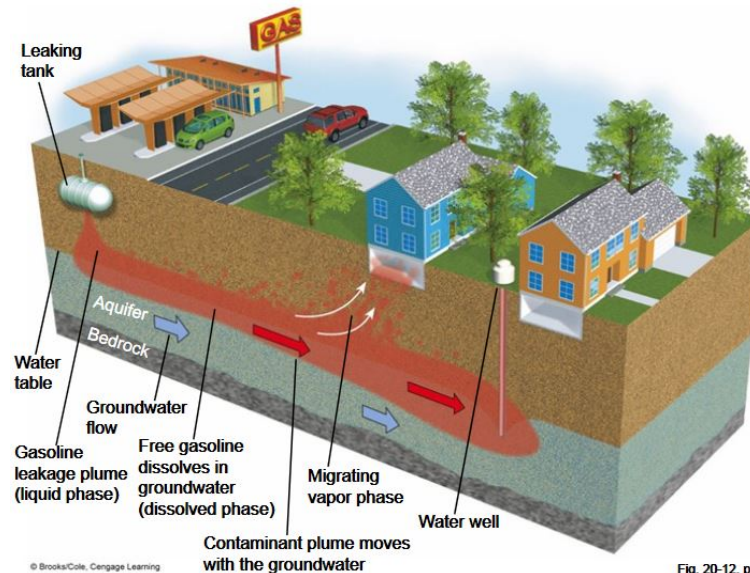


Fig. 20-12, p. 543



# Why do we do Initial Noticing ?

## 1. It's the law!

Requirements are set forth in the Florida Statutes (F.S.) and the Florida Administrative Code (F.A.C.)

[Section 376.30702, F.S.](#)

[Chapter 62-780.220\(2\), F.A.C.](#)

2. In some cases, it may help to obtain off-site access.

3. It is the right thing to do. 😊



## Who is the PRSR?

Project Managers can have ATCs create Initial Noticing Packages (Contract Pay Item 1-3) for funded sites, but the ATC must leave the signature portion blank, so the Site Manager can sign and submit the package.

ATCs are not the PRSR and never to sign as the PRSR or submit packages directly to FDEP for funded sites.

The project manager must review the INOC package that prepared by the ATC before submitting it.





# Initial Notice of Contamination Form

The notice shall be provided with Form 62-780.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries"

The form includes all of the specific requirements for INOC package [62-780.900\(1\).doc](#), such as;



# INOC Package

Must include:

- ✓ Completed & signed "Initial Noticing Beyond Property Boundaries" form. ([Form 62-780.900\(1\)](#))
- ✓ Completed and separate tables by medium (groundwater, soil, surface water, or sediment) that list all sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns. (Contamination Notification Data Tables)
- ✓ Applicable lab reports (and/or up-to-date analytical tables)
- ✓ A vicinity map that shows all of the location(s), date(s) and type(s) of sample(s) collected, the laboratory analytical result(s) for each sample, and the property boundaries for the property at which site rehabilitation was initiated pursuant to this chapter and the real property(ies) at which contamination was discovered.



## INOC Package(cont.)

Contaminant Data Tables for each contaminated medium (groundwater, soil, surface water or sediment):

<https://floridadep.gov/waste/district-business-support/content/public-notification-discovery-contamination>

- ✓ Sample locations & dates
- ✓ Names of COCs detected above CTLs
- ✓ The corresponding CTL
- ✓ If multiple CTLs are exceeded, list health-based CTL
- ✓ Include a vicinity map that shows the locations of the samples collected on the offsite properties, dates and types of samples collected, analytical results and property boundaries.

Use the Checklist:

[State-Funded Contamination Noticing Checklist-111408.doc](#)





# Checklist

## Florida Department of Environmental Protection – Division of Waste Management Contamination Notification Checklist For Active State-Funded Cleanup Sites

A copy of this checklist must be attached as the top page of the Initial Notice of Contamination Beyond Property Boundaries package submitted to the Division of Waste Management for active State-funded cleanup sites.

Name of Cleanup Site: \_\_\_\_\_ Facility/Site ID Number: \_\_\_\_\_  
Name of Site Manager: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Section/District/Local Program: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

- Has a copy of the complete "Initial Notice of Contamination Beyond Property Boundaries" package been sent to the applicable FDEP District Office and DOH County Health Unit?  
Yes  No  (per DWM guidance this is required to be performed by the site manager)
- Are there known lessees or tenants of the cleanup site (property at which site rehabilitation was initiated)?  
Yes  No
- If there are known lessees or tenants of the cleanup site, has a copy of the "Initial Notice of Contamination Beyond Property Boundaries" package, excluding the information on page two of the form (list the owners of properties at which contamination has been discovered, their address, phone number and the property identification parcel number), been sent to them?  
Yes  No  N/A  (per DWM guidance this is required to be performed by the site manager)
- Is there a plume map (or technical report including a plume map) available that has been signed and sealed by a Florida licensed P.G or P.E.?  
Yes  No
- If there is a signed and sealed plume map, has a copy been included in the "Initial Notice of Contamination Beyond Property Boundaries" package?  
Yes  No  N/A
- Is the cleanup site the site of a school<sup>1</sup> as defined in s. 1003.01, F.S., (K-12 public schools, charter schools and schools that include McKay scholarship students)?  
Yes  No  Not Sure
- Is the cleanup site the site of a private school<sup>1</sup> serving grades K-12?  
Yes  No  Not Sure
- Are any of the properties at which contamination was discovered (confirmed or suspected based on plume map) beyond the property boundaries of the cleanup site the site of a school<sup>1</sup> as defined in s. 1003.01, F.S.?  
Yes  No  Not Sure  Name/Address of School: \_\_\_\_\_
- Are any of the properties at which contamination was discovered (confirmed or suspected based on plume map) beyond the property boundaries of the cleanup site the site of a private school<sup>1</sup> serving grades K-12?  
Yes  No  Not Sure  Name/Address of School: \_\_\_\_\_

<sup>1</sup> Note that all areas on the same property as a school are considered to be part of the school even if separated by a fence or otherwise inaccessible to students.

## Florida Department of Environmental Protection – Division of Waste Management Contamination Notification Checklist For Active State-Funded Cleanup Sites

A copy of this checklist must be attached as the top page of the Initial Notice of Contamination Beyond Property Boundaries package submitted to the Division of Waste Management for active State-funded cleanup sites.

Name of Cleanup Site: Sam's Fuel & BBQ Facility/Site ID Number: 123456789  
Name of Site Manager: Sam Booth Phone Number: 850-245-8901  
Section/District/Local Program: Team 2 E-Mail Address: sam.booth@floridadep.gov

- Has a copy of the complete "Initial Notice of Contamination Beyond Property Boundaries" package been sent to the applicable FDEP District Office and DOH County Health Unit?  
Yes  No  (per DWM guidance this is required to be performed by the site manager)
- Are there known lessees or tenants of the cleanup site (property at which site rehabilitation was initiated)?  
Yes  No
- If there are known lessees or tenants of the cleanup site, has a copy of the "Initial Notice of Contamination Beyond Property Boundaries" package, excluding the information on page two of the form (list the owners of properties at which contamination has been discovered, their address, phone number and the property identification parcel number), been sent to them?  
Yes  No  N/A  (per DWM guidance this is required to be performed by the site manager)
- Is there a plume map (or technical report including a plume map) available that has been signed and sealed by a Florida licensed P.G or P.E.?  
Yes  No
- If there is a signed and sealed plume map, has a copy been included in the "Initial Notice of Contamination Beyond Property Boundaries" package?  
Yes  No  N/A
- Is the cleanup site the site of a school<sup>1</sup> as defined in s. 1003.01, F.S., (K-12 public schools, charter schools and schools that include McKay scholarship students)?  
Yes  No  Not Sure
- Is the cleanup site the site of a private school<sup>1</sup> serving grades K-12?  
Yes  No  Not Sure
- Are any of the properties at which contamination was discovered (confirmed or suspected based on plume map) beyond the property boundaries of the cleanup site the site of a school<sup>1</sup> as defined in s. 1003.01, F.S.?  
Yes  No  Not Sure  Name/Address of School: N/A
- Are any of the properties at which contamination was discovered (confirmed or suspected based on plume map) beyond the property boundaries of the cleanup site the site of a private school<sup>1</sup> serving grades K-12?  
Yes  No  Not Sure  Name/Address of School: N/A

<sup>1</sup> Note that all areas on the same property as a school are considered to be part of the school even if separated by a fence or otherwise inaccessible to students.



## When we do Initial Noticing?

1. As soon as contamination is discovered outside of the source property. Per rules, a notice must be submitted to the FDEP within 10 days of receiving the results.
2. As soon as new/different Contaminants of Concern (COCs) are discovered outside of the source property.

**Example 1:** Benzene was detected off-site in 2013 and proper noticing was completed, but a more recent sampling event also detected Toluene off-site. Now another, separate Initial Notice must be submitted for Toluene only.

**Example 2:** Benzene was detected at offsite "Property A" in 2013, but recently Benzene was also detected at off-site "Property B." Now another, separate Initial Notice for Benzene must be submitted for Property B.



# What is the difference between “suspected” and “confirmed” noticing?

## Confirmed Contamination:

1. **Soil:** COCs above SCTLs have been detected in a sample located within the off-site property.
2. **Groundwater (GW):** COCs above GCTLs have been detected in a MW located within the off-site property.

## Suspected Contamination:

1. **Soil:** COCs above SCTLs have been detected near the border of the off-site property and soil contaminant plume(s) extends onto the off-site property.
2. **Groundwater(GW):** COCs above GCTLs have been detected near the border of the off-site property and GW contaminant plume(s) extends onto the off-site property.

**Please note:** right-of-ways, roads, easements & etc. are considered off-site properties, and the appropriate Local government, FDOT District, or other entity is to be listed as the off-site owner.





# Initial Notice of Contamination

## Examples of INOC Package Items that were not prepared correctly:

<a href="#">FIGURE -1.pdf</a>	Identifying Source Property Boundaries,
<a href="#">FIGURE - 2.pdf</a>	No Plume Maps Based on OVA/FID,
<a href="#">FIGURE- 3.pdf</a>	Identifying Well Locations Used,
<a href="#">FIGURE - 3B.pdf</a>	Identifying Off-Site Properties,
<a href="#">FIGURE 4.pdf</a>	Identifying Plume,
<a href="#">FIGURE.pdf</a>	Providing Plume Maps for Reports that were Signed and Sealed.

## Where to send the Noticing Packages:

Provide a copy of notice to:

FDEP-DWM (original)

The DEP District

County Health Department (Environmental Health Director)

Lessees and Tenants of the Cleanup Site Property Concurrent

–Note: copy to lessees & tenants excludes off-site property information (page two of Form)



# INOC for Non-Program and Voluntary Cleanup Sites

Initial Noticing **is required** for Non-Program (NP) and Voluntary Cleanup (VC) sites.

In many cases for NP & VC sites, the PRSR is the Owner or Responsible Party.

NP & VC Initial Noticing Packages can also be signed by an authorized agent or representative. Often, the agent or representative is a contractor who is performing the assessment.



# Who generates and sends Initial Notices?

1. The Person Responsible for Site Rehabilitation (PRSR), its agent, or other representatives shall provide Actual Notice to the FDEP as soon as possible, or no later than 10 days in the form of a "Noticing Package"
2. The PRSR, agent, or other representative sends the completed package to the FDEP for review.

Initial Noticing packages are to be emailed to: [PRP.NoticeOfCont@floridadep.gov](mailto:PRP.NoticeOfCont@floridadep.gov)

Include a "Read Receipt" on the e-mail so there is proof that it was sent/received.





## Who generates and sends Initial Notices? (cont.)

3. After reviewing the package, PRP will send it to our Admin. Services Contractor for final processing. If data is incorrect or missing, the package will be returned for revisions. Please double-check everything in the package before sending it to the PRP.

4. The Admin. Services Contractor will;

Perform a final review then create and send noticing letters to the applicable property owners,  
Upload the noticing documents to OCULUS.

They do not do technical reviews or make technical decisions. It is the project manager's responsibility.



# Do I need to send the packages anywhere else?

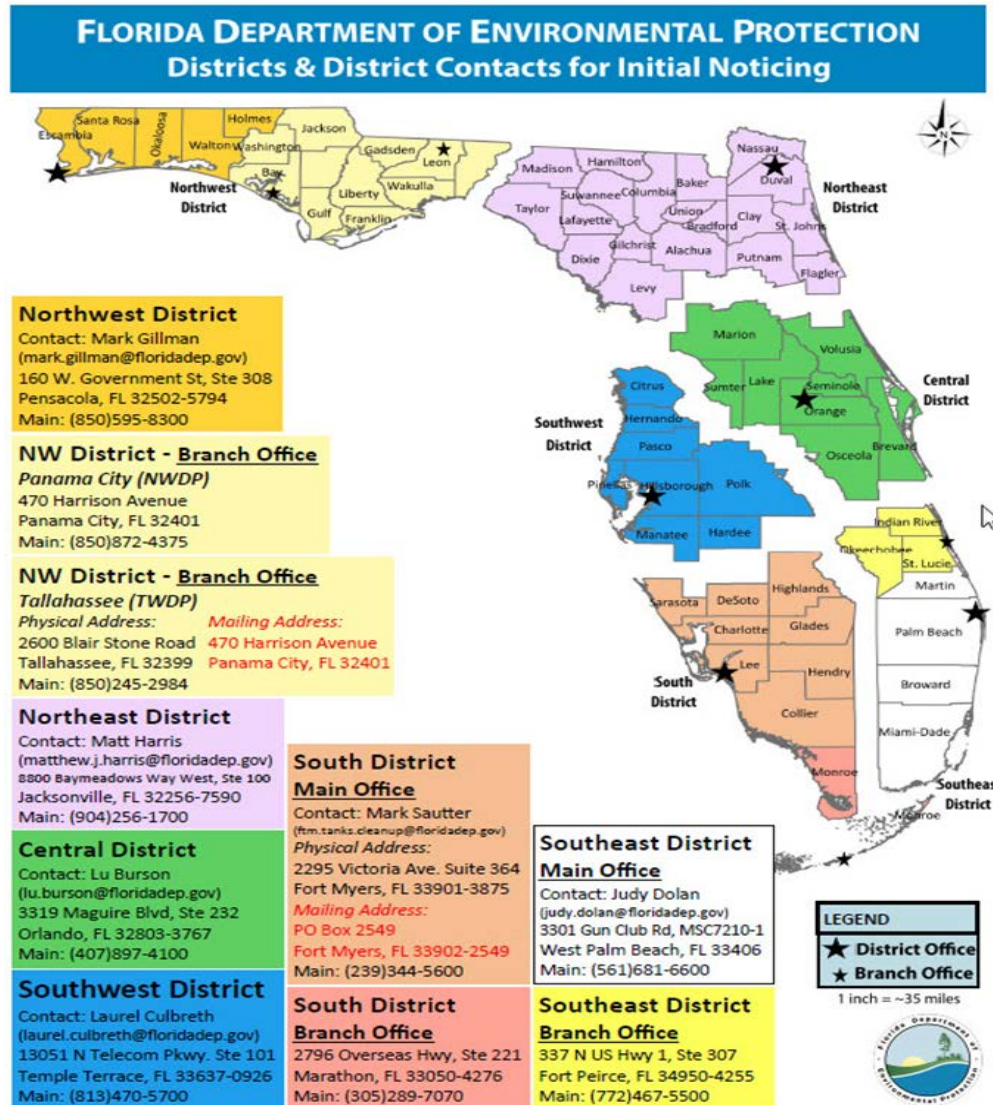
**YES**, in addition to the copy sent to PRP, provide a copy of each Noticing Package to:

- ✓ The appropriate FDEP District Office (via e-mail, see next slide)
- ✓ The appropriate County Health Department's Environmental Health Director (via e-mail or mail)
- ✓ All Lessees and Tenants of the Cleanup Site Property (via e-mail or mail) - don't need to copy Lessees & Tenants of Off-Site properties

Note: copy to Lessees & Tenants excludes off-site property information (don't include Page 2 of the Form in copies to Lessees & Tenants)



# What are the FDEP Districts to send a copy of the package?







## What about 5-year updates for INOC?

Chapter 62-780.220(4) requires us to send a status update to the off-site owners 5 years after Initial Noticing is done.



Our Admin. Services Contractor handles all of these for us!

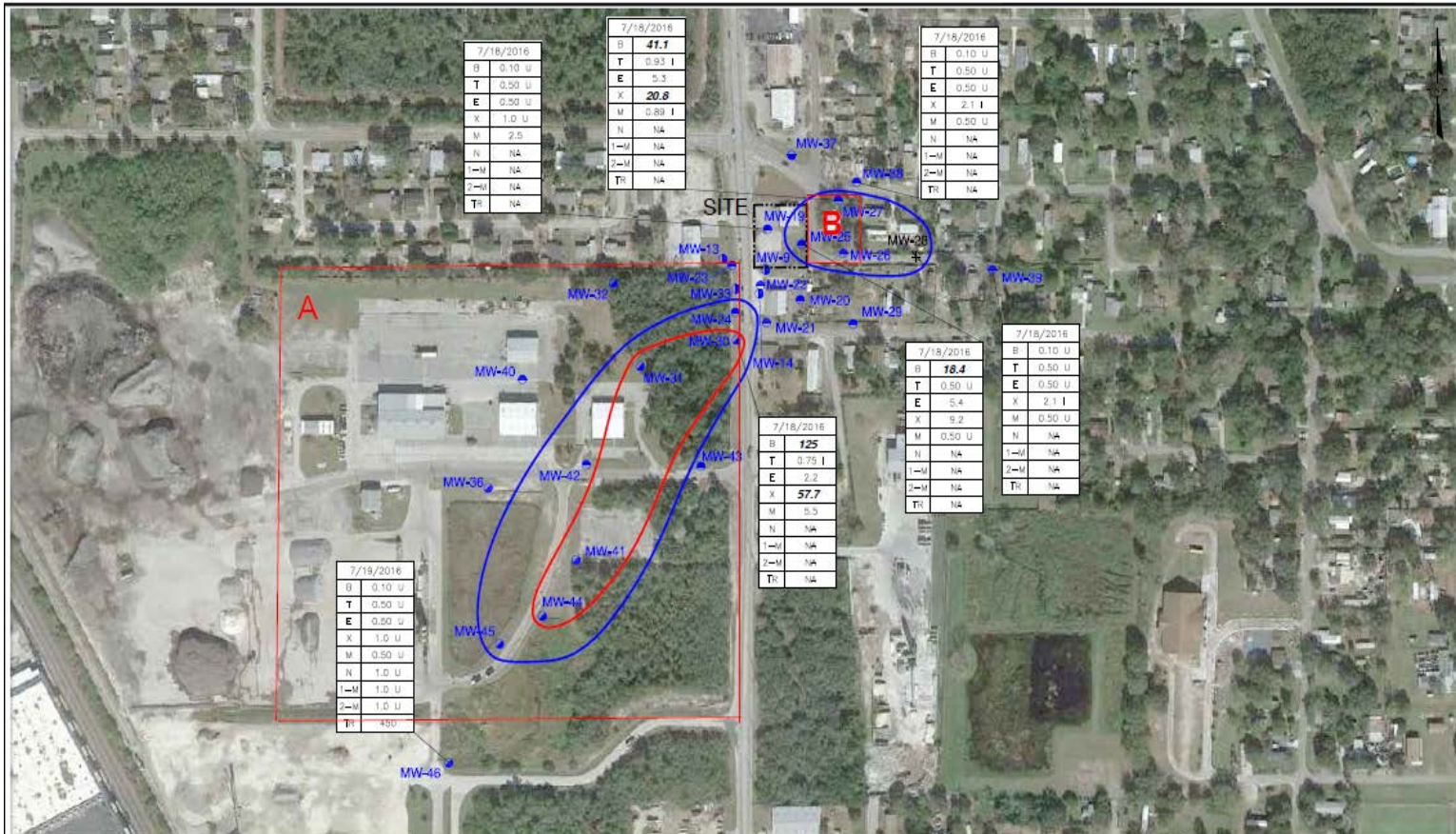


Admin. Services Contractor will prepare and send a follow-up information letter to the associated property owners five years from the original notice unless there is already a TPOC notice in-place or the site has received an SRCO.





# Temporary Point of Compliance(TPOC) for Noticing



TPOC is actually a composite line that represents the maximum extent of the GCTL lines for all contaminants of concern in all aquifer zones. The line that the RP accepts responsibility for site rehabilitation for all properties within.





# TPOC Limits for Noticing





# Establishing Temporary Point of Compliance(TPOC) and Noticing

## Steps:

- ✓ RAP or NAMP with a proposed TPOC,
- ✓ Plan and proposed TPOC are found acceptable by the Department,
- ✓ PRSR sends the TPOC notice letters,
- ✓ 30-day comment period,
- ✓ RAP or NAMP with a TPOC issues an approval order or
- ✓ Changes are made to the TPOC and the PRSR sends revised TPOC notice letter to new properties included within the revised TPOC.
- ✓ If a different remedy is selected, the PRSR must issue a new TPOC notice to all parties within the TPOC boundary.





## TPOC – Notice By Mail(Actual)

Note that Certified Mail, Return Receipt Requested or Other form of delivery that provides confirmation of receipt

### Notice Should Sent to:

- ✓ County Health Department,
- ✓ Local Governments and
- ✓ All owners of any real property into which the point of compliance is allowed to extend.

### Who Will Prepare and Mail the Notice?

- ✓ Project Manager prepares a TPOC package or
- ✓ Project Manager authorizes the ATCs to prepare a TPOC package by approving the SPI Line Item 1-3 (Notice of Discovery of Contamination Package, Initial or TPOC)



# Follow-up for INOC and Status Update for TPOC

## Follow-up for Initial Notice of Contamination

NorthStar(Administrative Services Contractor) will prepare and send a follow-up information letter to the same property owners five years from the original notice unless there is already a TPOC notice in place or the site has received an SRCO.

## Status Update Notice for TPOC

Additional TPOC notices must be provided:

- Once every five years, updating the status of site rehabilitation to the same classes of persons who received the first TPOC notice, unless they have been informed that the contamination no longer affects their property.



# Notice Requirements For School Properties

If contamination is discovered at a school site (originated or migrated) as defined in Section 1003.10, F.S., DEP must send notice to the chair of the school board,





## School Noticing

“School site” is defined as K-12 public schools, charter schools and schools that include McKay Scholarship students,

Notice directs the school board to provide actual notice to teachers and parents or guardians of students attending school during the period of site rehabilitation,

The school board shall continue to provide actual notice annually, or more frequently as needed,

Notice from the school board to teachers and parents or guardians of students must include the same information as found in the “Initial of the Discovery of Contamination”,

Notice shall include sources of additional information and a phone number for inquiries,

**Project Managers are required to submit the information to DWM/PRP when contamination is discovered at the school site (public or private) .**



# Project Manager's Role

## The Project Manager is Expected to:

- ✓ Prepare a short site-historical summary,
- ✓ Include a site map showing the locations of contaminated media, monitoring wells and soil borings,
- ✓ Include a Contamination Data Table,
- ✓ Send the above materials to PRP / Admin. Services Contract Manager to be forwarded to NorthStar.

The Department notifies the chair of the school board of the district in which the property is located that the school board is required to take action. NorthStar is tasked to prepare the notification letters based on the information provided and mail them out.





# Noticing for Site Closures Using Institutional, Engineering Controls or Alternative CTLs

Sections 376.30701(2)(c) and (d), F.S., provide specific notice requirements for conditional closure using institutional controls, engineering controls or alternative CTLs. Prior to the Department's approval of institutional controls, institutional and engineering controls, or alternative CTLs.

This noticing is to provide an opportunity to comment to the Department within 30 days after receipt of the notice of the Department's intent of conditional closure approval.

For a description of the agency action proposed, the notice shall contain "to issue a Site Rehabilitation Completion Order with institutional controls for a contaminated site."

Note: This language is already included in the templated letters for your use.



## When?

The notice shall be mailed or published by the PRSR within 30 days after the Department's provisional approval of the No Further Action Proposal with institutional or institutional and engineering controls. The PRSR shall provide the Department with a copy of the mailed notice and a list of names and addresses to whom the notice was sent and the date it was sent.

The notice letters can be mailed after OGC's review/approval or parallel to OGC's review process.



## Who will be notified?

- ✓ The property(ies) subject to the institutional or institutional and engineering control,
- ✓ Real property owner(s) of any property subject to the institutional or institutional and engineering control,
- ✓ Any resident or business tenant,

In Summary, to any party(ies) holding a materially affected encumbrance in the area subject to the control will be notified (see the Institutional Control Procedures Guidance referenced in subsection 62-780.100(7), F.A.C., for guidance). In another words, "Encumbrance holders whose right to use the property overlaps/conflicts/interferes with the restriction in the institutional control (IC)".



# Project Managers Must!

Work with the section's professionals during the process,

If the NFAP recommends closure with restrictions pursuant to Subsection 62-780.680(2) or 62-780.680(3), F.A.C., the Declaration of Restrictive Covenant (agreement with the real property owner to the institutional controls or institutional and engineering controls) must be received and reviewed by the OGC before this provisional approval may be issued. Flow Chart of Restrictive Covenant (RC) Approval Process can be found at;

<https://floridadep.gov/waste/waste/content/institutional-controls-procedures-guidance>



# Steps

## Project Managers will:

- ✓ Prepare and mail Provisional No Further Action Proposal Approval Letter,
- ✓ Prepare and mail notice within 30 days after the Department's provisional approval of the No Further Action Proposal with institutional or institutional and engineering controls.
- ✓ Wait for the 30 days of comment period (I would recommend little longer ),
- ✓ Abandon the site wells,
- ✓ Issue Site Rehabilitation Completion Order (SRCO) to close the discharge(s).





## Links to Related Forms and Documents

Initial Notification of Contamination Beyond Property Boundaries (62-780.900(1)) Form, TPOC Letters and guidance are located on our website at the following link:

<https://floridadep.gov/waste/waste-cleanup/forms/initial-notice-contamination-beyond-property-boundaries>

<https://floridadep.gov/waste/petroleum-restoration/content/sop-21-notices>

We also have the following power-point presentations, found in our common drive that you may find them useful:

Contamination Notification Training Overview-CW-032509

How to Prepare a INOC Package-Altun 8-7-2012

**If it becomes too complicated, please you, (not contractor) give me a call at 850/245-8868 or e-mail me at [Melike.Altun@dep.state.fl.us](mailto:Melike.Altun@dep.state.fl.us)**



# Expanded Notification for State-Funded Sites When the Department Acts as PRSR

State-Funded cleanup sites are subject to “Expanded Initial Notice” per DWM Guidance:  
<https://floridadep.gov/waste/district-business-support/documents/guidance-contamination-notification>

## Types of Sites Subject to Expanded Initial Notice:

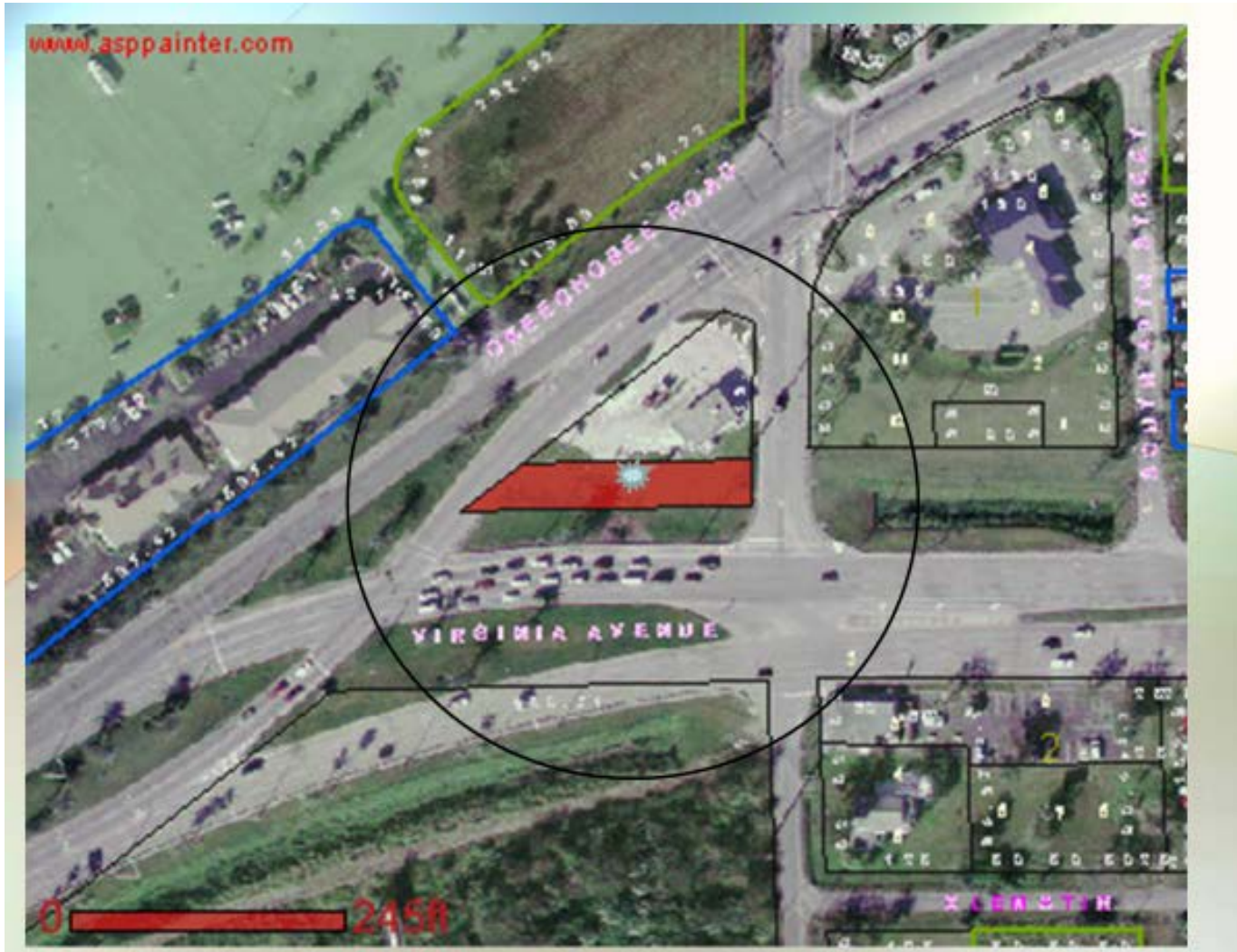
Properties “suspected” of being contaminated above CTLs in any media based on a plume map signed and sealed by a Fla. licensed P.G. or P.E.,

Project Managers are required to identify these properties, [FIGURE 4.pdf](#)





# Expanded Notification



If a plume map is not yet available, properties within a "250-Foot Radius" of the location of each "confirmed" off-site sample (GW only)

Admin Services Contract group will identify these properties

Example:  
[FIGURE - 5.pdf](#)



# Things to Remember

- ✓ A TPOC well does not need to be BDL. If it is clean enough to consider plume delineation complete (very low levels), then it is OK to use as a TPOC.
- ✓ Inactive eligible state-funded cleanup sites are not subject to the notification requirements while waiting for the availability of state funding in priority order.
- ✓ Any person receiving a TPOC notice has the opportunity to comment on the Department's proposed action within 30 days of receipt of the notice.



## Things to Remember (cont.)

- ✓ A constructive notice (one-time newspaper publication) requirement does not apply to petroleum sites unless when deemed necessary.
- ✓ If multiple CTLs are exceeded, list only health-based CTL.
- ✓ If you try to wait until you have a plume map to provide "initial notice," be aware that you are violating the law. Please remember the statutory timeframes.
- ✓ Team leaders or a designated person should review the prepared packages prior to sending them to us.





## Things to Remember(cont.)

- ✓ Make sure that your site owners (source property) know who is the project manager to call when they receive notification letters,
- ✓ If the ATC did not provide complete deliverable, make sure that that will be reflected in their CPE.



# INOC TEAM

Notice of Contamination Coordinator: Melike Altun at (850) 245-8868 and [Melike.Altun@floridaDEP.gov](mailto:Melike.Altun@floridaDEP.gov)  
Site Manager: Tony Figueroa-Vivenez at (850) 245-8908 and [Tony.FigueroaVivenez@FloridaDEP.gov](mailto:Tony.FigueroaVivenez@FloridaDEP.gov)

DWM – Administrative Services Contract:

Contact: Kristy M. Trueblood, Contract Manager, NorthStar Contracting Group, Inc.

508-A Capital Circle SE

Tallahassee, FL 32301

Office: 850.222.6446, ext. 5003 | Cell: 850-694-2167

24 Hour Emergency Response: 800.283.2933

[www.NorthStar.com](http://www.NorthStar.com) | [KTrueblood@NorthStar.com](mailto:KTrueblood@NorthStar.com)





QUESTIONS?