



Florida Department of Environmental Protection

Special Closures – FDOT MOU, non-FDOT MOU, State Lands

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Pathways to Closures March 2017





Outline

- FDEP/FDOT Memorandum of Understanding (MOU)
- Non-FDOT (City/County Road) Closure Process
- State Lands

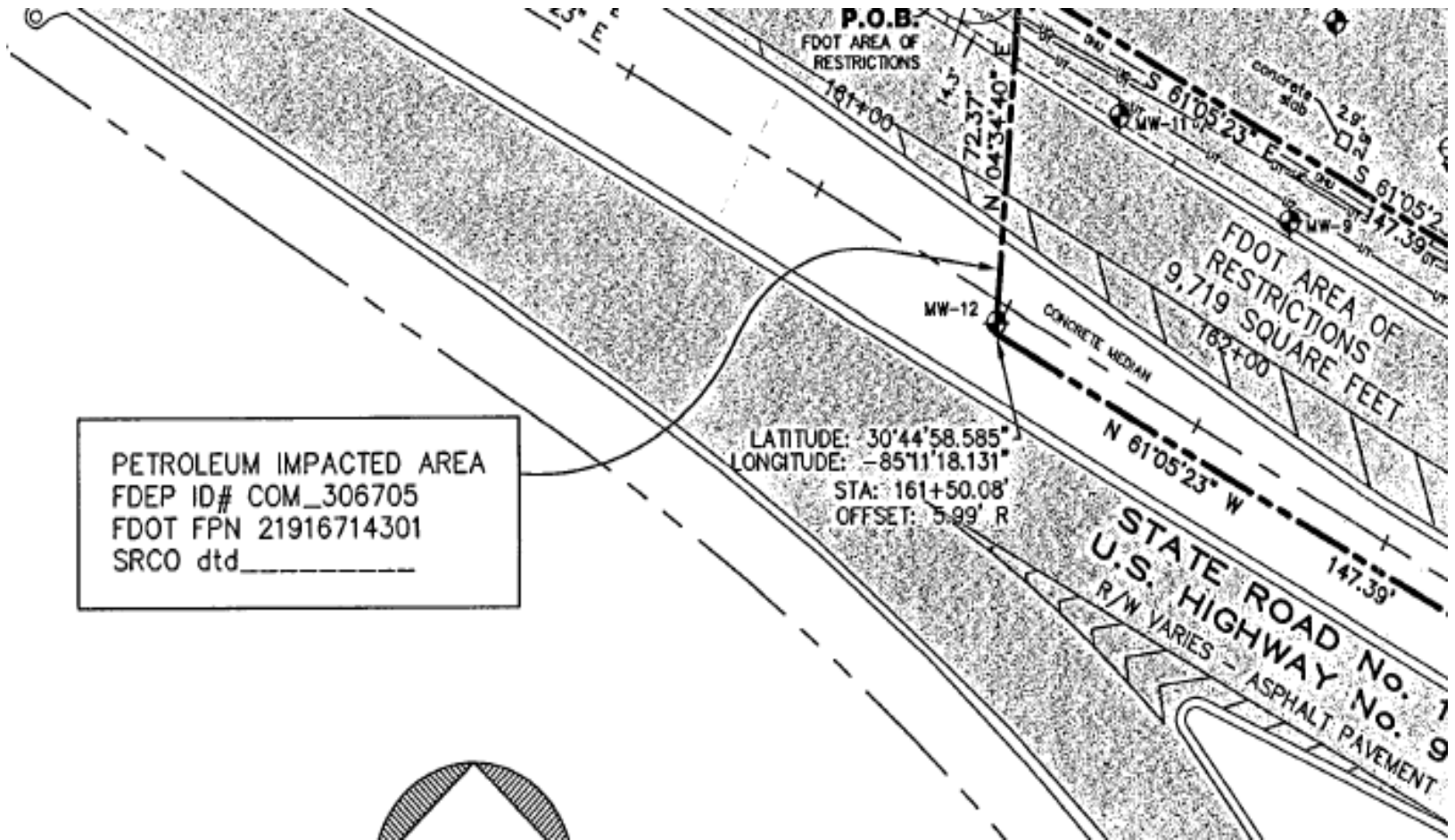


FDEP/FDOT MOU

- Allows Conditional Closures For Discharges With Contamination in The FDOT's Right of Way (ROW)
- **FDOT ROW Map Note Used As An Institutional Control**
- Takes Advantage of the inherent "Barriers To Exposure" Provided by the FDOT's Management of the ROW
 - Physical Barriers, i.e., road pavement, clean fill
 - Administrative Barriers, i.e., FDOT's permitting process that is designed to control all activities in the ROW
 - No Need for Recording of Restrictive Covenant



ROW Map Note





Key Things To Remember

- The Site Must Have An Approved Assessment
- A FDOT MOU Closure May Be Used to Close Discharges Where The Source Property Is Adjacent to FDOT ROW
- Verify That It Is A FDOT ROW
- The Source Property must qualify for closure by:
 - Meeting RMO-I Criteria, or,
 - RMO-II Establishment of Institutional Control (IC) or Engineering Control (EC) for Groundwater and Soil
- Closures Using the FDOT MOU Are considered RMO III Closures Since the Contamination Is Off-Site



FDOT MOU Closure Process

Steps for FDOT/FDEP MOU Closure Located in Institutional Controls Procedure Guidance.

Attachment 32: Procedure For Use Of FDEP And FDOT MOU



Non-FDOT ROW Closures

- Allows Closures Where Contamination has Migrated From Source Property to Transportation Facilities under Responsibility of City or County Governments
- Guidance On Non-FDOT ROW ICs Guidance Has Been Drafted
- MOU w/ Local Government Developed on a Case By Case Basis



Non-FDOT ROW Closures

- Information Needed:
- Map or Diagram showing Extent of Plume
- Notice sent to Local Government Regarding Contamination on the Transportation Facility
- Information about the Status of the Contamination
- A legal Description of the source property and diagram of the non-source property (transportation facility).



State Lands Closure

- Many State Lands Owned By the State of Florida are Managed Under the Internal Improvement Trust Fund (IITF)
- State Agencies'/Entities Lease The Land From The IITF
- SM Prepares Memo for OGC review
- State Land Leased May Require Amendment
- Land Use Plan Changes
- OGC manages all communication after they have received package
 - Can be a lengthy process