

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: Pinellas County, Florida
Former Zero Corporation Brownfield Site
14501 49th Avenue North, Clearwater, FL 37760
Former Zero Corporation Brownfield Area
BF521601000
Brownfield Site Identification Number: BF521601001
Facility I.D. COM_65242
OGC No. 16-1344**

**BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes (F.S.)**

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, the Department of Environmental Protection ("Department") is the administrative agency of the State of Florida having the power and duty to protect Florida's environment and to administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the Department and **Pinellas County Government** hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The Department and the PRFBSR agree to the following:

1. DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department is the agency of the State of Florida with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Pinellas County Government is the PRFBSR as defined in §376.79(13), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by the **Pinellas County Board of County Commissioners** in **Resolution Number 16-55** as a brownfield area as defined in §376.79(4), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the **County** resolution with all attachments including the map of the designated brownfield area. The brownfield site consists of .51 acres. The legal boundaries of the brownfield site and the brownfield area are the same.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site.;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the Department;

Pinellas County Government
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF521601001

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
- (f) to allow access by the Department during the entire site rehabilitation process, as evidenced by the attached documentation (see **Attachment C**) incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the Department within 15 days from the date that such an interest is effective. With notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**. Local pollution prevention programs as well as state pollution prevention programs are available to assist in determining pollution reduction measures. The Department recommends that the PRFBSR contact the Department's Pollution Prevention (P2)/Waste Reduction Program at (850) 245-8707 or visit the P2 web site at <http://www.dep.state.fl.us/pollutionprevention/aboutus.htm> for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials.

4. CERTIFICATION

The PRFBSR is the local government with jurisdiction over the real property described in **Attachment A**. Therefore, the PRFBSR certifies that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation provided that describes the proposed redevelopment is provided as **Attachment D**.

5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the District Brownfield Coordinator and approved by the Department before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with Section 376.30781, F.S., only costs incurred and paid by the applicant that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. Contamination assessment or remediation paid for by the State of Florida for a discharge that is eligible for a state-funded cleanup under the Dry-Cleaning Solvent Contamination Program or one of the Petroleum Restoration Program's eligibility programs, may not be used to calculate a tax credit. "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances. "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law. General information about the VCTC Program is available at <http://www.dep.state.fl.us/waste/categories/vctc/default.htm>. For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8927.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA and a copy of the executed BSRA. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the Department or the local pollution control program for review, the PRFBSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, contact numbers, and applicable affiliation for each advisory committee member is included as **Attachment G**.

9. **INDEMNIFICATION**

The PRFBSR shall save and hold harmless and indemnify the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. **LIABILITY PROTECTION**

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. **TERMINATION**

If the PRFBSR fails to comply with this BSRA, the Department shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the Department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, the Department shall terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the Department.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in **Pinellas County, Florida**.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 6** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

**Justin Chamberlain,
Brownfield Coordinator,
FDEP Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637**

The Department encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in Section 8 of the Instructions and attached as **Attachment H**. Time frames for the Department's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the attached schedule (see **Attachment B**), incorporated herein. After final Department approval of each report or plan, an electronic copy shall be submitted to the Department within 30 days. The electronic copy of the report shall be submitted in the format listed in **Attachment H**.

16. **DOCUMENT REVIEW**

During the site rehabilitation process, if the Department fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the Department to complete additional work on a previous task.

17. **ASSIGNMENT**

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the Department and the local government with jurisdiction over the real property described in **Attachment A**. However, the Department shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this Agreement; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

18. **WAIVER**

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the Department's actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

19. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of the Department. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the brownfield site rehabilitation agreement. The procedures for petitioning a hearing are set forth below.

Persons other than the PRFBSR who are affected by this BSRA have the following options:

- (a) If you choose to accept the Department's decision regarding this BSRA, you do not have to do anything. This BSRA is final and effective 21 days after the date of execution.
- (b) If you choose to challenge the Department's decision, you may do the following:
 - (i) File a request for an extension of time to file a petition for hearing with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this BSRA; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Or

- (ii) File a petition for administrative hearing with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this BSRA.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days

of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRFBSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, any e-mail address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules of statutes; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

20. JUDICIAL REVIEW

Except for the PRFBSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within 30 days after this BSRA is filed with the clerk of the Department (see below).

21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the Department's review of the BSRA, or technical questions should be directed to the Department's District Brownfields Coordinator at:

**Justin Chamberlain,
Brownfield Coordinator,
FDEP Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637
Justin.Chamberlain@dep.state.fl.us
813-470-5725**

or to the PRFBSR's representative at:

**Teri Hasbrouck
Environmental Program Coordinator
Pinellas County
509 East Avenue S.
Clearwater, FL 33756
THasbrouck@PinellasCounty.org
727-464-6967**

Questions regarding legal issues should be referred to the Department's Brownfields Program Attorney in the Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

22. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

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Pinellas County Government
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF521601001

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Mary Yeargan, Director Southwest District, State of Florida Department of Environmental Protection, and Pinellas County the Person Responsible for Brownfield Site Rehabilitation, signing by and through Charlie Justice, Chairman Pinellas County Board of County Commissioners duly authorized to execute same.

PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: [Signature]
Charlie Justice
Chairman, Pinellas County
Board of County Commissioners

By: _____
Director, Southwest District
Mary Yeargan

Date: 12/6/14

Date: _____

315 Court Street
(Address)

Approved as to form and legality:

Clearwater, FL 33756
(City, State, Zip Code)

FDEP Attorney

(727) 464-3363
(Telephone)

(Print FDEP Attorney's Name)

ATTEST: KEN BURKE, CLERK

By: [Signature]
Deputy Clerk

FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to §120.52 Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.

APPROVED AS TO FORM

By: [Signature]
Office of the County Attorney

Clerk (or Deputy Clerk)

Date: _____

cc: Rebecca Robinette, FDEP Brownfields Program Attorney

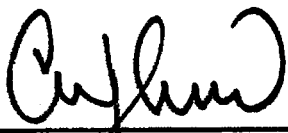
Justin Chamberlain, FDEP

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Pinellas County Government
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF521601001

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PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION

By: 
Charlie Justice
Chairman, Pinellas County
Board of County Commissioners

Date: 12/10/16
315 Court Street
(Address)
Clearwater, FL 33750
(City, State, Zip Code)
(727) 404-3303
(Telephone)

APPROVED AS TO FORM

By: 
Office of the County Attorney

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: 
Director, Southwest District
Mary Yeargan

Date: 12/9/2016

Approved as to form and legality:

R. Robinette 12-07-2016
FDEP Attorney

(Print FDEP Attorney's Name)

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk (or Deputy Clerk)

Date: December 13, 2016

cc: Rebecca Robinette, FDEP Brownfields Program Attorney
Justin Chamberlain, FDEP

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**Pinellas County Government
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF521601001**

List of Attachments

Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Certification of Redevelopment Agreement
Attachment E	Contractor Certification Form
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents

SECTION 1: ATTACHMENT A - - LOCAL GOVERNMENT RESOLUTION FOR THE BROWNFIELD AREA AND MAP AND LEGAL DESCRIPTION OF THE BROWNFIELD SITE

Attachment A shall include a copy of the local government resolution, including the resolution's attachments, that designated the brownfield area pursuant to §376.80, F.S. **Attachment A** shall also include a map and legal description of the brownfield site. The map of the brownfield site shall clearly delineate the boundaries of the brownfield site. The number of acres shall also be recorded. The information provided in the attachment shall be compatible with the Department's Geographic Information System (GIS).

RESOLUTION 16-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA DESIGNATING A BROWNFIELD SITE WITHIN UNINCORPORATED PINELLAS COUNTY AND IDENTIFYING THE PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION FOR THE PURPOSES OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL REHABILITATION; APPROVAL AND AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE AND THE CLERK TO ATTEST A BROWNFIELD SITE REHABILITATION AGREEMENT NEGOTIATED BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PINELLAS COUNTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AUTHORIZATION FOR THE REAL ESTATE MANAGEMENT DIRECTOR TO SIGN AND FILE REPORTS, PLANS AND OTHER ADMINISTRATIVE DOCUMENTS; AND TO TAKE SUCH OTHER ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THIS BROWNFIELD DESIGNATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sections 376.77-376.86, Florida Statutes, the "Brownfields Redevelopment Act" (the "Act"), the State of Florida has provided for the designation of certain contiguous areas consisting of one or more Brownfield sites as "Brownfield Areas" by resolution of such areas, and Pinellas County has established a Brownfields Redevelopment Program as provided in Resolution No. 03-125: and

WHEREAS, the County desires to provide for the expansion of a Brownfield Site, identification of the person responsible for Brownfield site rehabilitation, and notification to the Florida Department of Environmental Protection ("FDEP") of its decision to designate a Brownfield Site Pursuant to the Act; and

WHEREAS, the County unwillingly acquired ownership of 14501 49th Avenue North, Clearwater through property tax escheatment; and

WHEREAS, the County has complied with the notice and public hearing requirements set forth in Section 376.80(1) and (2)(a), and 125.66(4)(2)(b), Florida Statutes, and a public hearing was held on the proposed designation near the site proposed for designation; and

WHEREAS, the County has considered the criteria set forth in Florida Statutes Section 376.80(2)(a)1-4, Florida Statutes, including whether the proposed Brownfield Site warrants

economic development and has a reasonable potential for such activities; whether the proposed area represents a reasonable focused approach and is not overly large in geographic coverage; whether the area has potential to interest the private sector in participating in rehabilitation; and whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THE 23 DAY OF August, 2016, AS FOLLOWS:

Section 1. The Area depicted on Exhibit A attached hereto and incorporated herein by reference, known as the Former Zero Corporation site, is hereby designated as a Brownfield Site in accordance with the Act.

Section 2. The County will enter a brownfield Site Rehabilitation Agreement with FDEP and will conduct remediation of the site under the direction of FDEP.

Section 3. The County Administrator or his designee is hereby authorized and directed to notify FDEP of this designation of a Brownfield Site, and identification of the person responsible for Brownfield site rehabilitation.

Section 4. This Resolution shall take effect immediately upon its adoption.

Commissioner Long offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Gerard, and upon roll call, the vote was:

Ayes: Justice, Long, Welch, Eggers, Gerard and Seel.

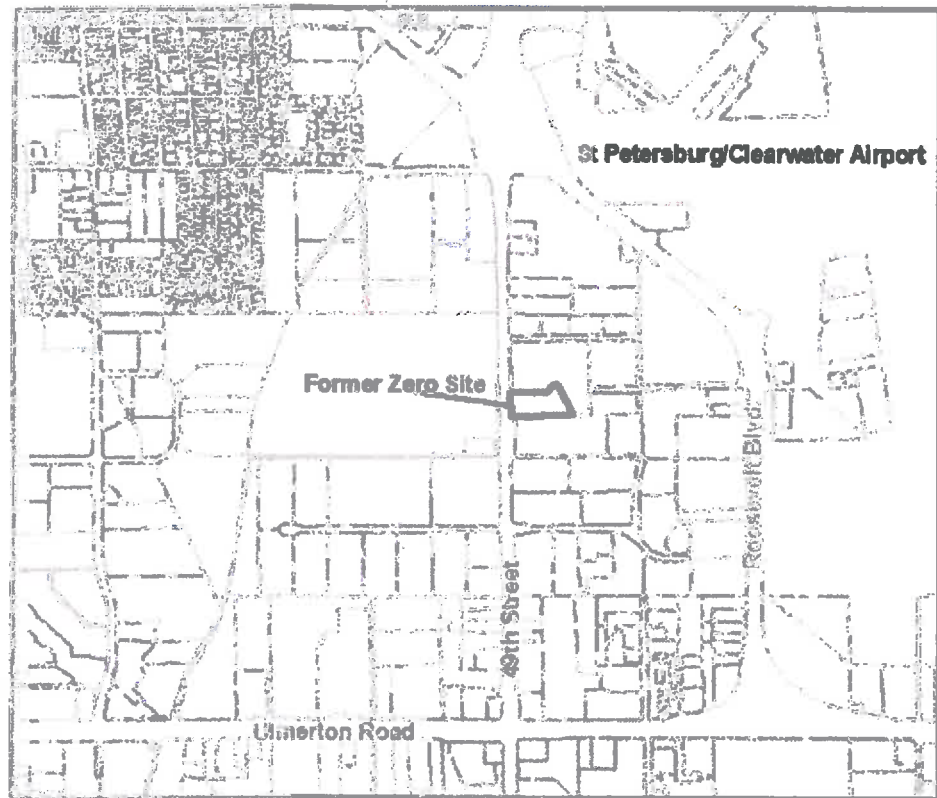
Nays: None.

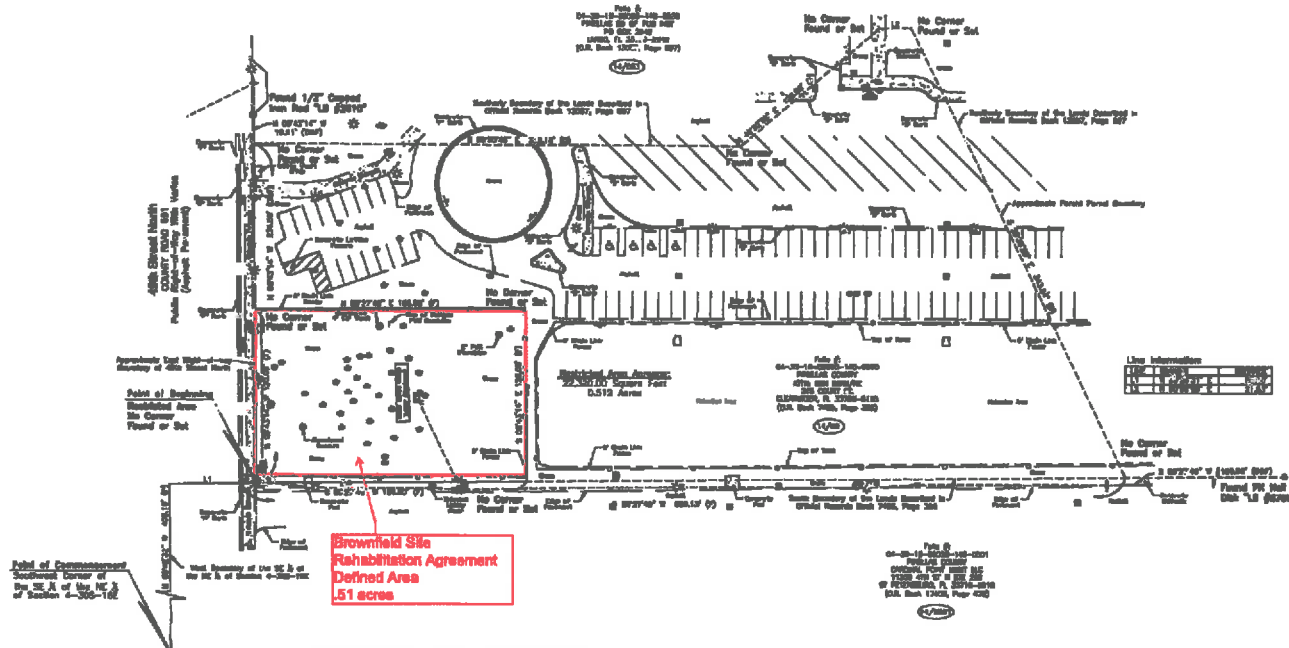
Absent and not voting: Morrone.

APPROVED AS TO FORM

By: Michael A. Zas
Office of the County Attorney

Exhibit A
FORMER ZERO CORPORATION BROWNFIELD SITE



[illegible]

A PARCEL OF LAND LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7420, PAGE 380 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

7) NOT VALID WITHIN THE BOUNDARY AND ORIGINAL BASED ON A FLORIDA LICENSED SURVEYOR AND
IMPOST.

8) NO KNOWN STRUCTURES FOR THIS SURVEY OR BASED ON A HUD 1983 FLORIDA STATE PLANS WEST ZONE,
ECCANNING OF N 60°45'44" W FOR THE APPROPRIATE EAST-TORN-OR-WAY OF 40TH STREET NORTH.
THE HORIZONTAL DATUM USED FOR THIS PROJECT IS 8601 UNED FLORIDA STATE NORTH, WEST ADJUSTMENT, US
NAD 83. SAE 1983. SEE 1983. SEE 1983. SEE 1983. SEE 1983. SEE 1983. SEE 1983. SEE 1983. SEE 1983.
(P. 1)

9) ALL LATER DISCOVERED VARIATIONS ARE FROM VISUAL EVIDENCE ONLY. SURVEYOR DID NOT CONTACT SUBSURFACE
UTILITY LOCATOR SERVICE.

10) NO UTILITIES OR PLOTS WERE EXAMINED OR LOCATED FOR THIS SURVEY.

11) THERE MAY BE OTHER UNDETECTABLE UTILITIES AND / OR ABOVEGROUND FEATURES THAT ARE NOT SHOWN OF
THIS SURVEY.

12) THIS IS NOT A BOUNDARY SURVEY.

S&ME INC.
PINELLAS COUNTY - REAL ESTATE MANAGEMENT

MARKETING SERVICES BY



APPROVED BY:	DATE
	05/02/10
	PROJECT NO.
	20100125
THEODORE M. WILSON, P.E.	DATE
P.A. NO. 00000	SHEET: 1 OF 1

SECTION 2: ATTACHMENT B - - BROWNFIELD SITE REHABILITATION SCHEDULE
Attachment B

Table I
Brownfield Site Rehabilitation Schedule

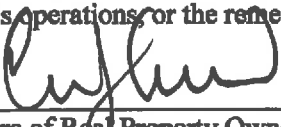
Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.500).	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.500, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(15), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.

Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-780.680) or Leveling-Off (see Rule 62-780.700(17))	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection.	No comment required.
Leveling Off Determination	Within 60 days of sample collection.	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Plan resampling proposal (Rule 62-780.750(4)(e), F.A.C.	Within 60 days of sample collection.	Within 60 days of receipt.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc. within 60 days of Department's response.	Within 60 days of receipt. If the brownfield site meets the requirements of Chapter 62-780, F.A.C. for the issuance of a SRCO, a SRCO will be issued.
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to Rule 62-780.700(2), F.A.C.	Within 60 days of receipt.
Notices for Field Activities except for Start of Interim Source Removal or Emergency Response Action situations.	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-780, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.	No comment required.
Submittal of proof of Constructive Notice required in subsection 62-780.680(8), F.A.C.	When seeking an SRCO with conditions, the PRFBSR must provide constructive notice of the Department's intent to approve a no Further Action Proposal with controls.	No comment required.

SECTION 3: ATTACHMENT C - - SITE ACCESS AGREEMENT

**SITE ACCESS AGREEMENT
PERMISSION TO ENTER PROPERTY
BROWNFIELDS REDEVELOPMENT PROGRAM**

1. Pinellas County, the real property owner ("undersigned" or "owner"), hereby grants permission to the State of Florida, Department of Environmental Protection ("Department") and its agents and subcontractors to enter the undersigned's property ("the property") located at 14405 49th Street N, Clearwater as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number **BF521601001**, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the Department or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents, representatives or subcontractors:
 - a. Having access to areas where contamination may exist.
 - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
 - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the Department will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned's successors and assigns for any contamination discovered on the property.
5. The Department, its agents, representatives or subcontractors may enter the property during normal business hours and may also make special arrangements to enter the property at other times after agreement from the undersigned.
6. The Department acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner's operations or the remediation and redevelopment activities pursuant to the BSRA.



Signature of Real Property Owner

Print Name: Charlie Justice

Chairman, Pinellas County Board of County
Commissioners

12/2/14

Date



Signature of Witness

Print Name: TERI HASBROUCK

12-6-16

Date

APPROVED AS TO FORM

By: 

Office of the County Attorney

Page v of xv

For FDEP use: /9/2016Revised BSRA Model

Site Access Agreement

Brownfield Site ID #: _____

{Date}

Page ____ **of** ____ **(refer to the number of pages in the site access agreement).**

Accepted by the Department by the following authorized agent:

Mary E. Yeargan
Signature of Department representative

Print Name: Mary E. YEARGAN

Director of District Management
Title of Department representative

12/13/16
Date

Kelley M. Boatwright
Signature of Witness

Print Name: Kelley Boatwright

12/13/16
Date

SECTION 4: ATTACHMENT D - - CERTIFICATION OF REDEVELOPMENT AGREEMENT

The PRFBSR and the local government with jurisdiction over the real property are the same entity (Pinellas County). Therefore an agreement between the PRFBSR and the local government with jurisdiction over the property is not required).

The Planned reuse of the property will conform with the existing zoning which conforms with the development of adjacent parcels in the surrounding area.

SECTION 5: ATTACHMENT E - - CONTRACTOR CERTIFICATION FORM



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

**CONTRACTOR CERTIFICATION FORM
Brownfields Redevelopment Program**

Contractor Name S&ME, Inc. Date: August 1, 2016
Contractor Address: 111 Kelsey Lane, Suite E, Tampa, Florida 33619
Contact Name: Larry Maron
Phone No.: 813-623-6646 Fax No.: 813-623-3795
Brownfield Site ID #: BF 521601001

Contractor Certifies by Checking All Appropriate Boxes:

- | | Yes | No |
|---|-------------------------------------|--------------------------|
| 1. It meets all certification and license requirements imposed by law. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. It complies with all applicable OSHA regulations. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), F.S. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Sections 376.80(6) and (7), Florida Statutes (F.S.)]:


Signature of Officer of the Company and Date Signed

Jonathan E. Hull, P.G.
Print Name of Officer of the Company

Vice President
Title of Officer of the Company

This form will be kept on file by the FDEP District office. Contractors must immediately notify the FDEP (Brownfields District Coordinator) of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification. Please return this form to the appropriate District Brownfields Coordinator.

SECTION 6: ATTACHMENT F - - QUALITY ASSURANCE CERTIFICATE



State of Florida
Department of Health, Bureau of Public Health Laboratories
This is to certify that

E83079

PACE ANALYTICAL SERVICES-FLORIDA
8 EAST TOWER CIRCLE
ORMOND BEACH, FL 32174

has compiled with Florida Administrative Code 64E-1,
for the examination of environmental samples in the following categories

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS, DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER - GROUP III UNREGULATED CONTAMINANTS, DRINKING WATER - MICROBIOLOGY, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, DRINKING WATER - RADIOCHEMISTRY, DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, NON-POTABLE WATER - MICROBIOLOGY, NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS - EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - GENERAL CHEMISTRY, SOLID AND CHEMICAL MATERIALS - METALS, SOLID AND CHEMICAL MATERIALS - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS, BIOLOGICAL TISSUE - METALS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

Date Issued: July 08, 2016 Expiration Date: June 30, 2017



A handwritten signature in black ink, reading "Susanne Crowe".

Susanne Crowe, MHA
Acting Chief, Bureau of Public Health Laboratories
DH Form 1697, 7/04
NON-TRANSFERABLE E83079-67-07/08/2016
Supersedes all previously issued certificates

SECTION 7: ATTACHMENT G -- ADVISORY COMMITTEE MEMBERS

Name	Address	Contact Number
Teri Hasbrouck, Pinellas County Real Estate Management	509 E. Avenue S., Clearwater	727-464-6967
Cindy Margiotta, Pinellas County Economic Development	13805 58 th Street N., Suite 200 Clearwater	727-638-2119
Tim Caughey, General Manager Environmental Control Pinellas County School Board	Walter Powell Service Center 11111 Belcher Road, S. Largo	727-547-7291
Scott Yarley, P.E. St. Petersburg/ Clearwater Airport	14700 Terminal Blvd., Clearwater	727-453-7830
Larry Maron, P.E. S&ME Inc.	111 Kelsey Lane, Suite E Tampa	813-623-6646
Teresa Brydon Economic Development Manager City of Largo	201 Highland Avenue, Largo	727-586-7342

SECTION 8: ATTACHMENT H - - FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. In an effort to increase efficiency, responsiveness, and to enhance environmental protection, electronic records are an acceptable media substitute for hard copy and shall be pursued as the first option of choice to arrive at compliance. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the "naming convention".
 - (a) Final reports (any text files) must be in one of the approved formats.
 - (b) Site maps and surveys shall be in TIFF, JPEG or ".pdf" format.
 - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).

The left inside cover of the media should list all the files located on the media.