

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

IN RE: Pinellas County, Florida

**Brownfield Site: Dansville North Historic Landfill Site
13273 Oak St., Largo, Florida 33774**

Brownfield Area: Pinellas County Dansville Brownfield Area

Brownfield Area Identification Number: BF520801000

Brownfields Site Identification Number: BF520801001

OGC Tracking Number – 08-2850

**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 62-785, 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; and

WHEREAS, Pinellas County is the governing body of the Dansville neighborhood and the owner of the parcels comprising the North Historic Landfill, which is the subject of this BSRA; and

WHEREAS, Pinellas County intends to commence redevelopment of the Property after the completion of the work required under this BSRA; and

WHEREAS, the primary funding source for the work required under this BSRA is United States Environmental Protection Agency grants;

Pinellas County
Dansville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

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, 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:

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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 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** in Resolution Number **08-117** dated July 22, 2008, 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 Pinellas County resolution with all attachments and including the map of the designated brownfield area. The brownfields site consists of **0.914 acres**.

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 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;

- (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 62-785, F.A.C., Brownfields 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 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**.

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 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 the **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 analysis 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 Chapter 62-788, F.A.C., only costs incurred and paid that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. "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 purposes of 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 Bureau of Waste Cleanup 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, and contact numbers for all advisory committee members are 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, then 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 sites.

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 two hard (paper) copies or one hard copy and one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

**John Sego,
Southwest District Brownfield Coordinator,
13051 North 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 on Compact Disc (CD) for archiving purposes 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 of 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, 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 are or will be affected by the Department's action or proposed action;

4. A statement of the disputed issues of material facts, or a statement that there are no disputed facts;

5. A concise statement of the ultimate facts alleged, including a statement of 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, 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:

**John Sego,
Southwest District Brownfield Coordinator,
13051 North Telecom Parkway
Temple Terrace, FL 33637
813-632-7600 x420**

or to the PRFBSR's representative at:

**Teri Hasbrouck
Pinellas County Community Development
Brownfield Program
600 Cleveland Street, Suite 800
Clearwater, FL 33755
727-464-8280**

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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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: **Deborah Getzoff**, District Director, Southwest District, State of Florida Department of Environmental Protection, and **Pinellas County Board of County Commissioners** the Person Responsible for Brownfield Site Rehabilitation, signing by and through **Karen Williams Seel, Chairman** duly authorized to execute same.

PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION

By: *Susan Latvala*
(PRFBSR Authorized Signatory)
Susan Latvala, Vice-
Karen Williams Seel, Chairman
Pinellas County Commission

Date: May 18, 2010

315 Court Street
Clearwater, FL 33756
727-464-3485

ATTEST: KEN BURKE, CLERK

By: *[Signature]*
Deputy Clerk

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: *Deborah Getzoff*
Deborah Getzoff
District Director
Southwest District

Date: 5/25 12:24:2010 P.W.

Approved as to form and legality:

[Signature]
Stan Warden, FDEP Attorney

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

Sandra Lynch
Clerk (or Deputy Clerk)

Date: June 24, 2010

cc: Stan Warden, FDEP Brownfields Program Attorney
Kim Walker, FDEP Brownfields Liaison
John Sego, Southwest District Brownfields Coordinator, FDEP

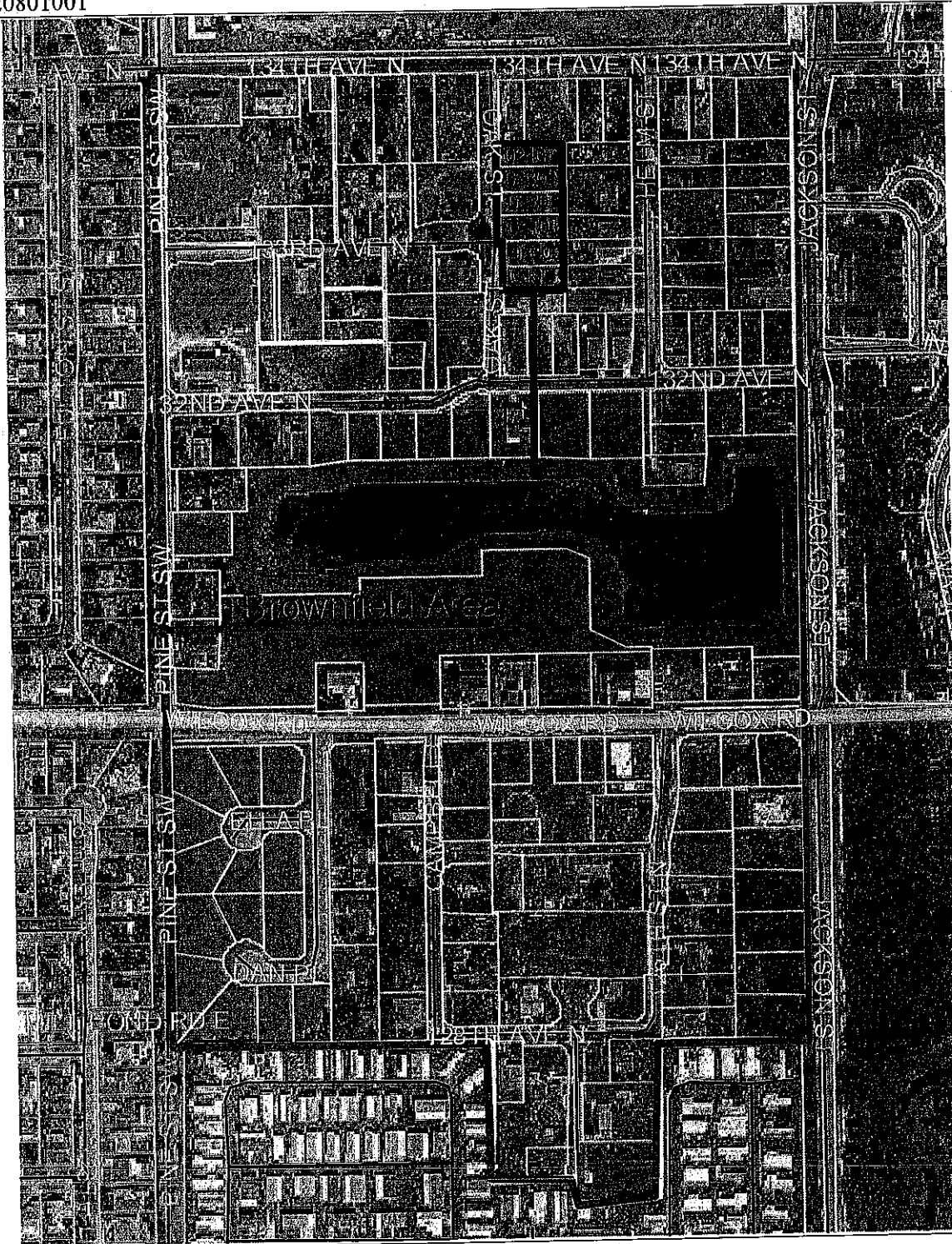
List of Attachments

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

Attachment A

Map and Legal Description of the Brownfield Site and Local Government Resolution for the Brownfield Area

Pinellas County
Dansville North Landfill Brownfields Site Rehabilitation Agreement
BF 520801001



Attachment A - Dansville North Historic Landfill Site
Parcels 08/30/15/96282/001/0240,
08/30/15/96282/001/0230,
08/30/15/96282/001/0220,
08/30/15/96282/001/0210,
08/30/15/96282/001/0200,
08/30/15/96282/001/0190

Pinellas County

Dansville North Landfill Brownfields Site Rehabilitation Agreement

BF 520801001

Attachment A – Legal Description

Parcel 08/30/15/96282/001/0190

Lot 19, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida, LESS the South 10 feet and LESS the West 10 feet of said Lot 19, as conveyed to Pinellas County by General Warranty Deeds recorded in O.R. Book 10278, Page 1082 and O.R. Book 10278, Page 1083, Public Records of Pinellas County, Florida.

Parcel 08/30/15/96282/001/0200

Lot 20, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida, LESS the West 10 feet of said Lot 20, as conveyed to Pinellas County by General Warranty Deed recorded in O.R. Book 10278, Page 1082, Public Records of Pinellas County, Florida.

Parcel 08/30/15/96282/001/0210

Lot 21, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida.

Parcel 08/30/15/96282/001/0220

Lot 22, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida.

Parcel 08/30/15/96282/001/0230

Lot 23, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida.

Parcel 08/30/15/96282/001/0240

Lot 24, Block "A", WEST COAST SUBDIVISION, according to the plat thereof, as recorded in Plat Book 27, Page 49, Public Records of Pinellas County, Florida.

No. 28
BCC 07-22-08
3:00 P.M. BURGESS/Kennare

- #28 Resolution No. 08-117 adopted designating the area known as the Dansville site as a Brownfield Area and identifying the person responsible for Brownfield site rehabilitation; and authorizing the County Administrator to notify the Florida Department of Environmental Protection (FDEP) of said designation (Economic Development).

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	6 - 0

RESOLUTION ~~08-118~~
08-117

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, DESIGNATING A BROWNFIELD AREA WITHIN UNINCORPORATED PINELLAS COUNTY AND IDENTIFYING THE PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION FOR THE PURPOSES OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL REHABILITATION AUTHORIZING THE COUNTY ADMINISTRATOR TO NOTIFY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sections 376.77-376.85, 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 Brownfields sites as "Brownfield Area" by resolution and for the corresponding provision of economic development and environmental remediation for 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 designation of a Brownfield Area, 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 Area pursuant to the Act; and

WHEREAS, the County has complied with the notice and public hearing requirements set forth in Sections 376.80(1) and (2)(a), and 125.66(4)(2)(b), Florida Statutes, and a public hearing was held on the proposed designation in the Area 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 Area warrants economic development and has a reasonable potential for such activities; whether the proposed area represents a reasonably 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 THIS 22nd DAY OF JULY, 2008, AS FOLLOWS:

Section 1. The Area depicted on Exhibit A attached hereto and incorporated herein by reference, known as the Dansville Community, is hereby designated a Brownfield Area in accordance with the Act. Such designation shall not, however, render Pinellas County liable for the cost of site rehabilitation or source removal, as those terms are defined in the Act, or for any other costs in excess of those attributable to the County as administrator of a Brownfield Program, or as a property owner within the designated Brownfield area.

Section 2. The County will notify the Florida Department of Environmental Protection when there is a person who has assumed responsibility for Brownfield site rehabilitation within the designated area.

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

Section 4. This designation shall not render Pinellas County liable for costs of site rehabilitation or source removal, as those terms are defined in the Act, or for any other costs, above and beyond those costs attributable to the County's role as administrator of the Brownfield program within the designated Brownfield Area.

Section 5. Pursuant to section 376.80(1) Florida Statutes, the statute provides for requests in writing from property owners to have their site removed from the proposed designation. Due to a citizen's written request, the following parcel will opt out of the Brownfield designation: #08/30/15/96282/002/0020.

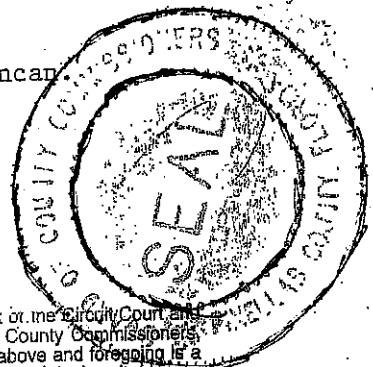
Section 6. This Resolution shall take effect immediately upon its adoption.

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

Ayes: Stewart, Harris, Seel, Latvala, Welch, and Duncan

Nays: None.

Absent and not voting: Morroni.



I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 28th day of July A.D. 20 08

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio
Clerk of the Board of County Commissioners,
Pinellas County, Florida.

By Sammy Burgess
Deputy Clerk

Pinellas County Dansville Brownfield Area

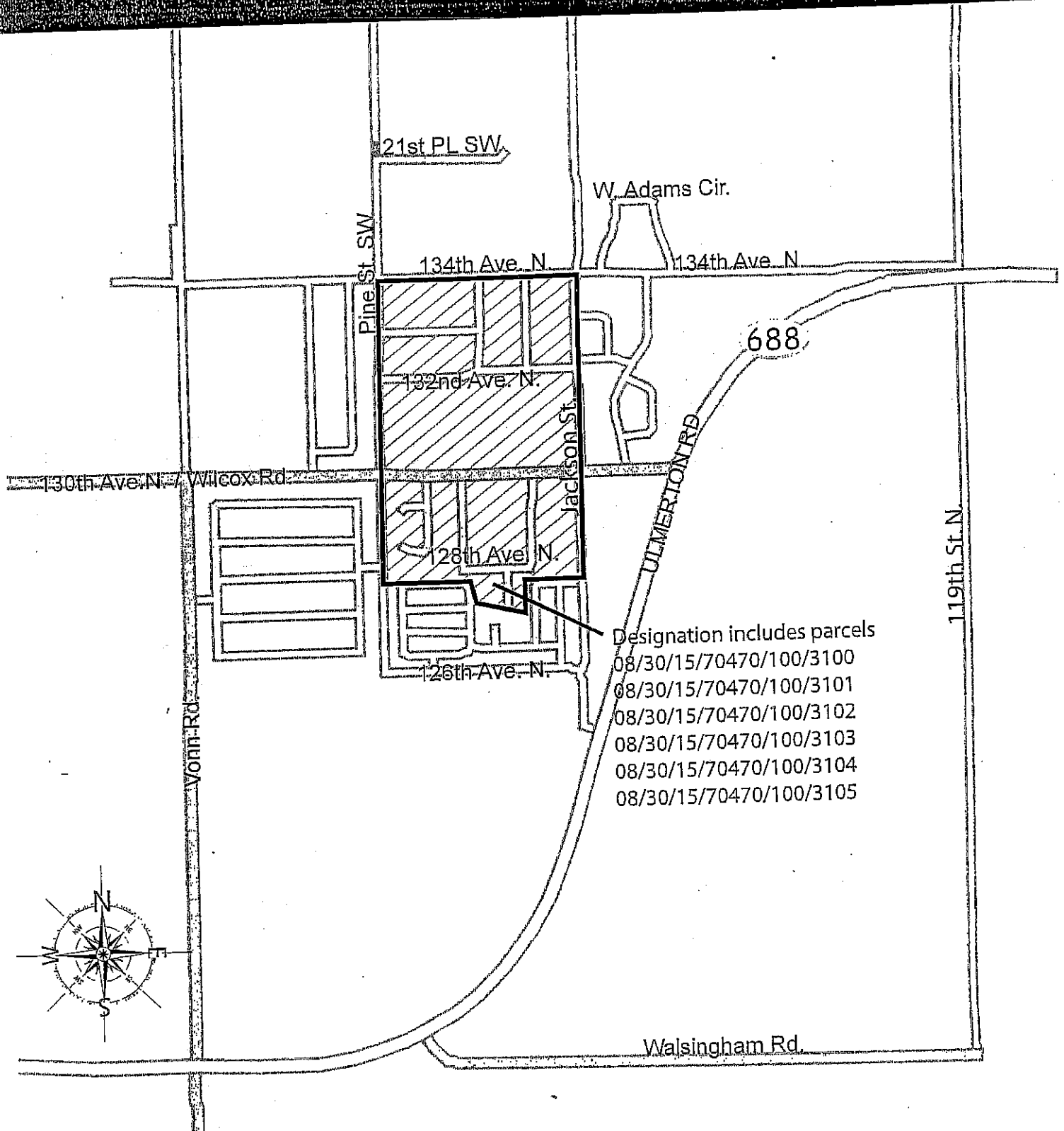
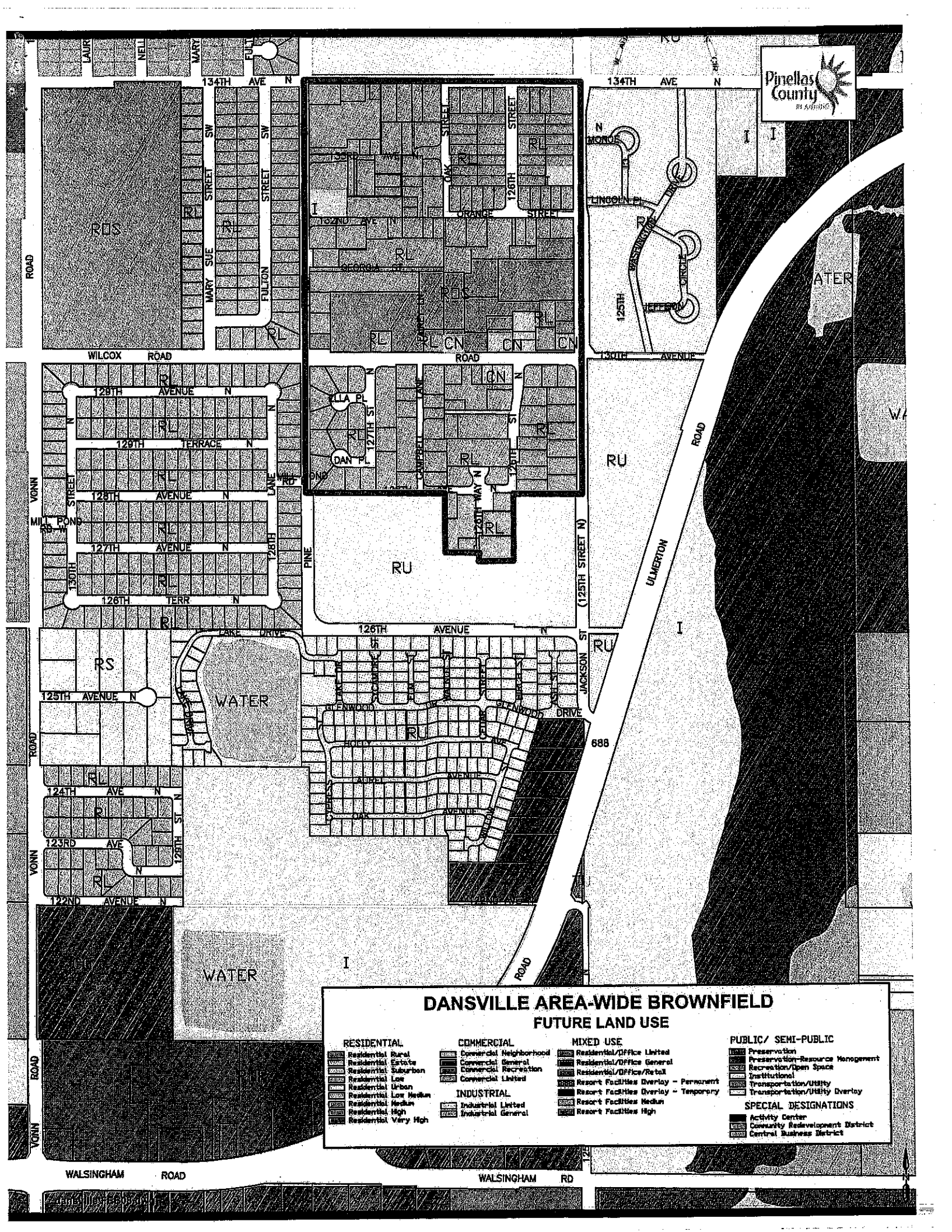


Exhibit A



Attachment B
Brownfield Site Rehabilitation Schedule

ATTACHMENT B
TABLE 1
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 62-785.500).	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 (62-785.500, 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 62-785.450, 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 62-785.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-785.600(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 62-785.690, 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 62-785.700(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.

Pinellas County
 Dansville Brownfield Site Rehabilitation Agreement
 Brownfield Site ID # BF 520801001

Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-785.680) or Leveling-Off (see Rule 62-785.700(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 62-785.750(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 62-785, 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 62-785.700(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 62-785, 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 62-785.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-785.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-785.220(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 62-785.220(3), F.A.C.	No comment required.
Submittal of proof of Constructive Notice required in subsection 62-785.680(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.

Pinellas County
Dansville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment C
Site Access Agreement

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

1. **Pinellas County** ("undersigned"), owner, hereby gives 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 in the Denville Neighborhood (parcels # 08/30/15/96282/001/0240, 08/30/15/96282/001/0230, 08/30/15/96282/001/0220, 08/30/15/96282/001/0210, 08/30/15/96282/001/0200, 08/30/15/96282/001/0190) as described in Attachment A attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number **BF 520801001**, 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, which ever 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, video taping, 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 its responsibility for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. 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.
8. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner's operations, or the Owner's remediation and redevelopment activities pursuant to the BSRA.

Pinellas County

By: 

Name: Robert S. LaSala

Title: County Administrator

4/15/10
Date


Witness

4/15/10
Date

Accepted by the Department by the following authorized agent:


Name and Title: Pamela Vazquez / Asst. Director

Witness

6-24-2010
Date


6-24-10
Date

Pinellas County
Dunstable Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment D

Description of Redevelopment

(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. However, the County intends to redevelop the site with market-rate and affordable housing.)

Pinellas County
Denville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment E
Contractor Certification Form

The contractor certificate form
will be submitted to DEP prior to initiating work under this BSRA.

Pinellas County
Dansville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment F

Quality Assurance Certificate

The laboratory quality assurance certificate
will be submitted to DEP prior to initiating work under this BSRA.

Pinellas County
Dansville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment G
Advisory Committee Members

Advisory Committee Members
Dansville Brownfield Area

Advisory Committee Members

1. Ryley Hunter
Pinellas County Health Dept.
12420 130th Ave. N.
Largo, FL 33774
727-538-7277 ext. 1154
2. Benny Dyer
12892 Campbell Lane
Largo, FL 33774
727-595-5412
3. David Baldwin
12632 134th Ave. N.
Largo, FL 33774
727-595-7605
4. John Campbell
12845 127th St. N
Largo, FL 33774
813-610-2085
Former member of the defunct Dansville Neighborhood Development Corporation
5. Teri Hasbrouck
Pinellas County Community Development
Brownfield Program Manager
600 Cleveland Street, Suite 800
Clearwater, FL 33755
727-464-8280

Pinellas County
Dansville Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF 520801001

Attachment H

Format for Submittal of Technical Documents

Format for Submittal of Technical Documents

1. Two hard copies or one hard copy and an 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. The electronic copy shall be submitted on Compact Disc (CD) for archiving purposes.
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).
 - (e) The left inside cover of the media should list all the files located on the media.