

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 10, 2012 Consent [] Regular []
Public Hearing [X]

Department : Water Utilities Department

I. EXECUTIVE BRIEF

Motion and title: Staff recommends motion to: **A) Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, designating the parcel located at 4220 Charleston Street within unincorporated Palm Beach County as a Brownfield Area; providing an effective date; providing that County staff shall notify the Florida Department of Environmental Protection of the Brownfield Area designation; **B) Approve** a Site Access Agreement with the Florida Department of Environmental Protection (FDEP); **C) Approve** a Brownfield Site Rehabilitation Agreement (BSRA) with FDEP; **D) Authorize** the Department to make application to FDEP for the Voluntary Cleanup Tax Credit; and **E) If approved, designate** the County Administrator or his designee to execute the necessary documents to receive the Voluntary Cleanup Tax Credits.

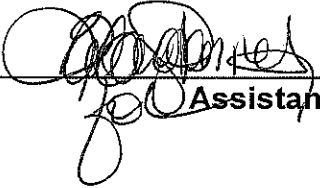
Summary: On April 5, 2011, the Palm Beach County Board of County Commissioners approved an Interlocal Subgrant Agreement with Treasure Coast Regional Planning Council (TCRPC) (R2011-0519) to facilitate Brownfields cleanup and redevelopment of the former Pike Utilities property owned by the County. Per Section 376.80(2)(a), Florida Statutes, two (2) public hearings are required in order to designate the property as a Brownfield Area. The first Public Hearing was conducted on June 19, 2012. The TCRPC has agreed to allocate \$98,550 from the Environmental Protection Agency (EPA) Brownfields Assessment federal grant funds to the County toward additional site assessment and to provide technical and administrative assistance. The estimated project cost for cleanup is \$482,000 with \$98,550 in federal grant funds and \$383,450 coming from WUD's reserves. Designation of the property requires that the Board consider the criteria set forth in Section 376.80(2)(a), Florida Statutes, and also that the Board determine that the designation meet the requirements of Section 376.80(2)(b), Florida Statutes.
District 2 (MJ)

Background and Justification: Pike Utilities operated a water and wastewater treatment facility during the 1970s, which ceased in the early 1980s when the facility was decommissioned. At the time of purchase by the County in 1979, Environmental Site Assessments (ESAs) were not required nor performed. In 2000, contamination was discovered which led to the removal of contaminated soil in 2001 and 2011. FDEP requires site cleanup actions be taken to reach FDEP cleanup standards. Designation of the property as a Brownfield Area will allow for its development into an open space, provide more favorable cleanup standards, and obtain site closure with FDEP. The Brownfield Area designation allows the County to utilize State Brownfield Program incentives for environmental remediation, rehabilitation, and economic development.

Attachments:

1. Resolution
2. Two (2) Original Site Access Agreements
3. Two (2) Original Brownfield Site Rehabilitation Agreements
4. Staff report reviewing Brownfield Area designation considerations/requirements
5. Standard Voluntary Cleanup Tax Credit Application and Affidavit
6. Proof of Publication

Recommended By:  6/27/12
Department Director Date

Approved By:  7/9/12
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Expenditures	<u>\$255,000.00</u>	<u>\$167,000.00</u>	<u>\$20,000.00</u>	<u>\$20,000.00</u>	<u>\$20,000.00</u>
External Revenues	<u>(\$98,550.00)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>\$156,450.00</u>	<u>\$167,000.00</u>	<u>\$20,000.00</u>	<u>\$20,000.00</u>	<u>\$20,000.00</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund 4001 Agency 720 Org. 1110 Object 3101

Is Item Included in Current Budget? Yes X No

Reporting Category N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

WUD will receive \$98,550 in grant revenue from TCRPC. Project funding of \$383,450 will come from WUD's reserves.

C. Department Fiscal Review: Debra M. West

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 7/3/12
OFMB

[Signature] 7/5/12
Contract and Development Control
7-5-12 B. Wheeler

B. Legal Sufficiency:

[Signature] 7/9/12
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2012-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING THE PARCEL LOCATED AT 4220 CHARLESTON STREET WITHIN UNINCORPORATED PALM BEACH COUNTY AS A BROWNFIELD AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT COUNTY STAFF SHALL NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE BROWNFIELD AREA DESIGNATION.

WHEREAS, the Florida Brownfields Redevelopment Act, Section 376.77 through Section 376.85, Florida Statutes (2011) (the "Act") provides for local governments to designate by resolution areas consisting of one or more brownfield sites as brownfield areas for the purpose of environmental remediation, rehabilitation and economic development; and

WHEREAS, the Board of County Commissioners of Palm Beach County ("Board") desires to designate the parcel located at 4220 Charleston Street within unincorporated Palm Beach County ("Parcel") as a brownfield area; and

WHEREAS, the Parcel is more specifically identified in the map attached hereto as Exhibit "A", which is incorporated herein by reference; and

WHEREAS, Palm Beach County is the owner of the Parcel; and

WHEREAS, the brownfield area designation will enable the County, through its Water Utilities Department, to voluntarily use State of Florida brownfield programs for environmental remediation, rehabilitation and economic development of the Parcel; 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

WHEREAS, the Board has considered the criteria set forth in Section 376.80(2)(a)1-4, Florida Statutes, including whether the proposed area warrants economic development and has a reasonable potential for such activities; whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage; whether the proposed area has potential to interest the private sector in participating in rehabilitation; and whether the proposed area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes; and

WHEREAS, The Board has reviewed the requirements for the designation of a brownfield area, as specified in Section 376.80(2)(b), and has determined that the Parcel qualifies for the designation as a brownfield area because the following requirements have been met:

1. Palm Beach County is the owner of the Parcel, and the County's Water Utilities Department has requested the designation and has agreed to rehabilitate and redevelop the Parcel.
2. The rehabilitation and redevelopment of the Parcel will result in economic production in the area, and the job creation requirement of the Act is not applicable because the Parcel will be utilized for the creation of a recreation area, conservation area, or a park.

3. The redevelopment of the Parcel is consistent with the Palm Beach County Comprehensive Plan and is a permissible use under applicable Palm Beach County land development regulations.
4. Proper notice of the proposed rehabilitation of the Parcel has been provided to all required parties and Palm Beach County has provided those receiving comments the opportunity to provide comments and suggestions about the rehabilitation.
5. Palm Beach County, through its Water Utilities Department, has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1. The recital and findings set forth in the Preamble to this Resolution are hereby adopted into and are made a part of this resolution.

Section 2. Pursuant to the Act, the Parcel depicted in Exhibit "A" is hereby designated as a brownfield area.

Section 3. This resolution shall become effective upon its adoption.

Section 4. County staff shall notify the Florida Department of Environmental Protection of this brownfield area designation pursuant to Section 376.80, Florida Statutes.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote; the vote was as follows:

Commissioner Shelley Vana, Chair
 Commissioner Steven L. Abrams, Vice Chairman
 Commissioner Karen T. Marcus
 Commissioner Paulette Burdick
 Commissioner Burt Aaronson
 Commissioner Jess R. Santamaria
 Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

PALM BEACH COUNTY, FLORIDA, BY
 ITS BOARD OF COUNTY COMMISSIONERS

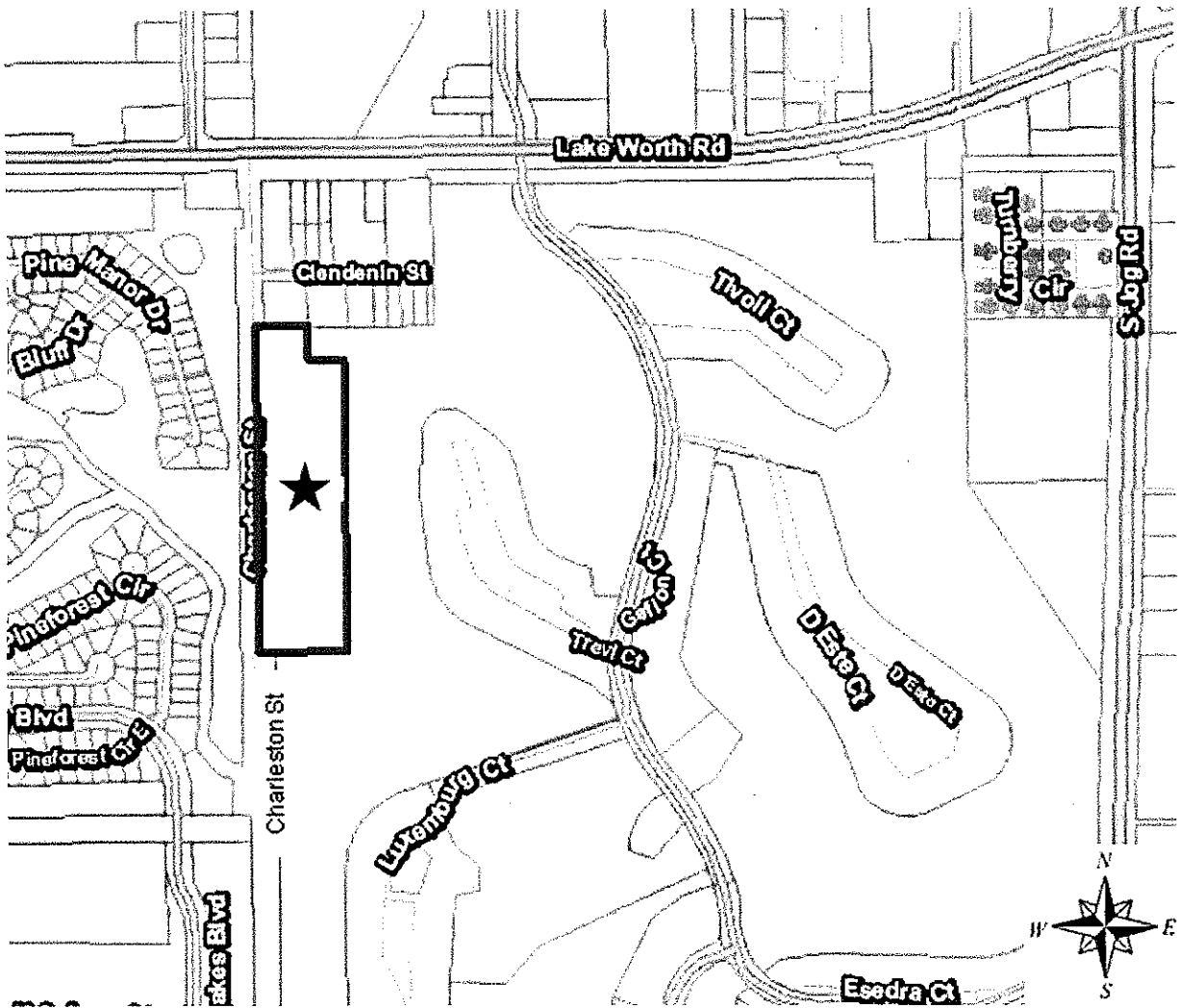
By: _____
 Sharon R. Bock, Clerk and Comptroller

APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY

By: _____
 County Attorney

Attachment A

4220 Charleston Street
Brownfield Area Map



Attachment A

Legal Description

Tract 10 and Tract 27, in Block 30, according to the Palm Beach Farms Company Plat No. 3, Palm Beach County Florida, recorded in Plat Book 2, Pages 45 to 54, inclusive, in the Office of the Clerk of the Circuit Court of said County, each tract containing 5 acres, more or less, and being subject to right-of-way for small lateral ditches in favor of other tracts, less and excepting therefrom the East 135 feet of the North 140 feet of said Tract 10.

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

1. Palm Beach County, the real property owner ("undersigned" or "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 at 4220 Charleston St., Lake Worth, Florida, 33467 as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number **BF501201001**, 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 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 remediation and redevelopment activities pursuant to the BSRA.

PALM BEACH COUNTY, BY ITS BOARD
OF COUNTY COMMISSIONERS

By: _____
Shelley Vana, Chair

Witness

Date: _____
301 N. Olive Avenue
West Palm Beach, FL 33401
(561) 355-2001

Date

ATTEST:
SHARON R. BOCK, CLERK AND
COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Department Director

Accepted by the Department by the following authorized agent:

Signature of Department representative

Witness

Date

Date

ATTACHMENT 3

 COPY

Brownfield Coordinator Checklist

The following checklist should be completed by the district brownfields coordinator and forwarded to Tallahassee with the draft BSRA.

1. Provide the name of the Real Property Owner(s) for the site.
Palm Beach County

2. Is the potential PRFBSR eligible to enter into a BSRA?
Yes
 - a. Did the PRFBSR cause or contribute to the contamination after July 1, 1997?
No

 - b. Are there any open consent orders or other Department actions associated with the site? If yes, please provide the order number or other information No

 - c. If the site/PFBSR is the subject of orders or Department actions, are they in good faith compliance? _____

3. Is the site listed on CERCLIS? No If yes, please provide the CERCLIS ID number

4. Is the site a landfill? No

5. Is the site located in a brownfield area? Yes If no, please indicate when an area designation is expected July 10, 2012.

Additional Comments:

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: Palm Beach County

Brownfield Site Name: Former Pike Utilities Brownfield Site
Brownfield Site Address: 4220 Charleston Street, Lake Worth, FL 33467
Brownfield Area Name: Former Pike Utilities Brownfield Area
Brownfield Area Identification Number: BF501201000
Brownfield Site Identification Number: BF501201001
OGC Tracking Number : 12-1280

**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;

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 Palm Beach 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:

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

Palm Beach 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 Palm Beach County in Resolution Number R-2012-_____ dated July 10, 2012 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 9.79 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

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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 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**.

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

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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 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

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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, except to the extent and to the proportion that any such claims for damages are caused or contributed to by the negligent acts or omissions of the Department.

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.

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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 Palm Beach 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 6** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

Art Torvela, P.E.
Brownfields Coordinator
FDEP Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6676
Fax: (561) 681-6770

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

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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

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Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF501201001

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,

Palm Beach County
Brownfield Site Rehabilitation Agreement
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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).

Palm Beach County
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF501201001

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:

Art Torvela, P.E.
Brownfields Coordinator
FDEP Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6676
Fax: (561) 681-6770

or to the PRFBSR's representative at:

Palm Beach County Attorney's Office
301 N Olive Avenue, Suite 601
West Palm Beach, Florida 33401
561-355-2225

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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Palm Beach County
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF501201001

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: Jill S. Creech, P.E., Director Southeast District, State of Florida Department of Environmental Protection, and Palm Beach County, the Person Responsible for Brownfield Site Rehabilitation, signing by and through Shelley Vana, Chair, duly authorized to execute same.

PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PALM BEACH COUNTY, BY ITS BOARD
OF COUNTY COMMISSIONERS

By: _____
Shelley Vana, Chair

By: _____
Jill S. Creech, P.E.
Director Southeast District

Date: _____
301 N. Olive Avenue
West Palm Beach, FL 33401
(561)-355-2001

Date: _____

Approved as to form and legality:

ATTEST:
SHARON R. BOCK, CLERK AND
COMPTROLLER

Randy J. Miller, II, 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.

By: _____
Deputy Clerk

Clerk (or Deputy Clerk)

APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY

Date: _____

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Department Director

cc: Randy J. Miller, II, FDEP Brownfields Program Attorney
Kim Walker, FDEP Brownfields Program Manager
Art Torvela, Southeast District Brownfields Coordinator, FDEP
Bevin Beaudet, PE, Director, Palm Beach County Water Utilities Department

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Palm Beach County
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF501201001

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

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

The legal boundaries of the Brownfield Area and the Brownfield Site are the same.

RESOLUTION NO. R-2012-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING THE PARCEL LOCATED AT 4220 CHARLESTON STREET WITHIN UNINCORPORATED PALM BEACH COUNTY AS A BROWNFIELD AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT COUNTY STAFF SHALL NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE BROWNFIELD AREA DESIGNATION.

WHEREAS, the Florida Brownfields Redevelopment Act, Section 376.77 through Section 376.85, Florida Statutes (2011) (the "Act") provides for local governments to designate by resolution areas consisting of one or more brownfield sites as brownfield areas for the purpose of environmental remediation, rehabilitation and economic development; and

WHEREAS, the Board of County Commissioners of Palm Beach County ("Board") desires to designate the parcel located at 4220 Charleston Street within unincorporated Palm Beach County ("Parcel") as a brownfield area; and

WHEREAS, the Parcel is more specifically identified in the map attached hereto as Exhibit "A", which is incorporated herein by reference; and

WHEREAS, Palm Beach County is the owner of the Parcel; and

WHEREAS, the brownfield area designation will enable the County, through its Water Utilities Department, to voluntarily use State of Florida brownfield programs for environmental remediation, rehabilitation and economic development of the Parcel; 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

WHEREAS, the Board has considered the criteria set forth in Section 376.80(2)(a)1-4, Florida Statutes, including whether the proposed area warrants economic development and has a reasonable potential for such activities; whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage; whether the proposed area has potential to interest the private sector in participating in rehabilitation; and whether the proposed area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes; and

WHEREAS, The Board has reviewed the requirements for the designation of a brownfield area, as specified in Section 376.80(2)(b), and has determined that the Parcel qualifies for the designation as a brownfield area because the following requirements have been met:

1. Palm Beach County is the owner of the Parcel, and the County's Water Utilities Department has requested the designation and has agreed to rehabilitate and redevelop the Parcel.
2. The rehabilitation and redevelopment of the Parcel will result in economic production in the area, and the job creation requirement of the Act is not applicable because the Parcel will be utilized for the creation of a recreation area, conservation area, or a park.
3. The redevelopment of the Parcel is consistent with the Palm Beach County Comprehensive Plan and is a permissible use under applicable Palm Beach County land development regulations.
4. Proper notice of the proposed rehabilitation of the Parcel has been provided to all required parties and Palm Beach County has provided those receiving comments the opportunity to provide comments and suggestions about the rehabilitation.
5. Palm Beach County, through its Water Utilities Department, has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1. The recital and findings set forth in the Preamble to this Resolution are hereby adopted into and are made a part of this resolution.

Section 2. Pursuant to the Act, the Parcel depicted in Exhibit "A" is hereby designated as a brownfield area.

Section 3. This resolution shall become effective upon its adoption.

Section 4. County staff shall notify the Florida Department of Environmental Protection of this brownfield area designation pursuant to Section 376.80, Florida Statutes.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote; the vote was as follows:

- Commissioner Shelley Vana, Chair
- Commissioner Steven L. Abrams, Vice Chairman
- Commissioner Karen T. Marcus
- Commissioner Paulette Burdick
- Commissioner Burt Aaronson
- Commissioner Jess R. Santamaria
- Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

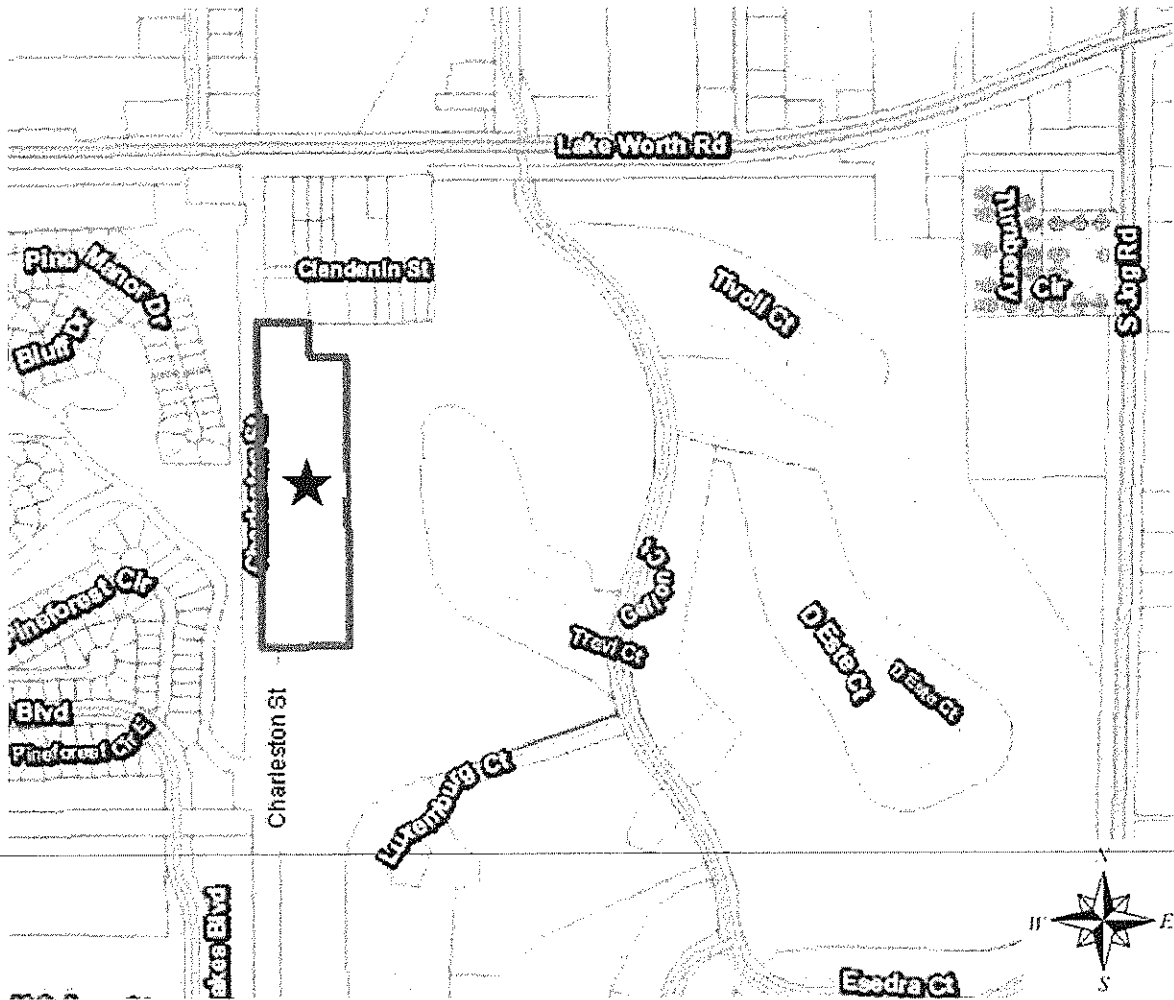
By: _____
Sharon R. Bock, Clerk and Comptroller

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

Attachment A

4220 Charleston Street
Brownfield Area Map



Attachment A

Legal Description

Tract 10 and Tract 27, in Block 30, according to the Palm Beach Farms Company Plat No. 3, Palm Beach County Florida, recorded in Plat Book 2, Pages 45 to 54, inclusive, in the Office of the Clerk of the Circuit Court of said County, each tract containing 5 acres, more or less, and being subject to right-of-way for small lateral ditches in favor of other tracts, less and excepting therefrom the East 135 feet of the North 140 feet of said Tract 10.

Attachment B
Brownfield Site Rehabilitation Schedule

Attachment B
Table I
Brownfield Site Rehabilitation Schedule

Type of Report or Activity	PRFBRSR 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.

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.

Attachment C
Site Access Agreement

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

1. Palm Beach County, the real property owner ("undersigned" or "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 at 4220 Charleston St., Lake Worth, Florida, 33467 as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number **BF501201001**, 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 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.

Site Access Agreement
Brownfield Site ID #: BF501201001
Page 2 of 2

8. 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.

PALM BEACH COUNTY, BY ITS BOARD
OF COUNTY COMMISSIONERS

By: _____
Shelley Vana, Chair

Witness

Date: _____
301 N. Olive Avenue
West Palm Beach, FL 33401
(561) 355-2001

Date

ATTEST:
SHARON R. BOCK, CLERK AND
COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: 
Department Director

Accepted by the Department by the following authorized agent:

Signature of Department representative

Witness

Date

Date

Attachment D
Certification of Redevelopment Agreement



Water Utilities Department
Regulatory Compliance

P. O. Box 16097

West Palm Beach, FL 33416-6097

(561) 493-6000

Fax: (561) 493-6029

www.pbwater.com

Palm Beach County
Board of County
Commissioners

Shelley Vana, Chair

Steven L. Abrams, Vice Chair

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

May 31, 2012

Mr. Art Torvela, Brownfields Coordinator
Florida Department of Environmental Protection
Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401-2913

Re: Certification of Development Agreement
Brownfield Site Rehabilitation Agreement - Former Pike Utilities
4220 Charleston Street, Lake Worth, Florida

Dear Mr. Torvela,

This letter is intended to meet the requirements contained in Section 4 of the Brownfields Site Rehabilitation Agreement (BSRA) regarding the real property described in Attachment A to the BSRA.

Palm Beach County is the Person Responsible for Brownfield Site Rehabilitation (PRFBSR) and the rightful owner of the property; through its Water Utilities Department will assume responsibility for the costs of Brownfield Site Rehabilitation upon final approval by the Board of County Commissioners and execution of the BSRA.

Palm Beach County Water Utilities Department has made a commitment to rehabilitate and redevelop the proposed brownfield site as an open space consistent with the local comprehensive plan and applicable land development regulations. Attached hereto is an email confirming that the proposed redevelopment is consistent with said plan/regulations.

We appreciate your efforts on this project. If you should have any questions or require further information, please do not hesitate to contact me at (561) 493-6000.

Sincerely,

Brian Shields, P.E.
Deputy Director

Attachment

C: Bevin Beaudet, P.E., Director, PBCWUD
Hassan Hadjimiry, P.E., PBCWUD
Krystin Berntsen, P.E., PBCWUD
Greg Vaday, TCRPC

F:\Former Pike Utilities Site\Brownfield Site Rehabilitation Agreement
(BSRA)\FDEP_redevelopment_former_Pike_Site_05312012.MJ.docx

Krystin Berntsen

From: Bryan Davis [BMDavis@pbcgov.org]
Sent: Tuesday, May 22, 2012 1:53 PM
To: Thomas H. Miller; Krystin Berntsen
Cc: Hassan Hadjimiry; Michael W. Jones; Greg Vaday
Subject: Charleston Street/Pike Road WUD site

Good afternoon,

Per your request, the Planning Division finds the proposed removal of the existing abandoned water utility site located on Charleston Street, south of Lake Worth Road, and replacement with a passive enclosure for fallow land to be not inconsistent with the Goals Objectives and Policies of the Comprehensive Plan, particularly within the Future Land Use Element (FLUE). The parcel under consideration features a Medium Residential, 5 units per acre (MR-5) Future Land Use (FLU) designation. This use appears to be consistent with a conservation and/or passive recreation purpose, uses which are generally consistent with a residential FLU designation. Per the FLUE, all residential designations may feature uses such as parks and recreation uses designed to serve the residential area, but may not be those of a regional scale. Furthermore, conservation uses, per FLUE Policy 2.2.7-c, shall be permitted and encouraged in all FLU designations.

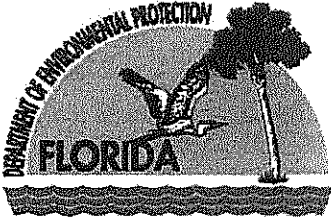
Please be advised that a change in use may require rezoning or other approvals to ensure complete consistency between the FLU designation and the zoning district and the proposed new use. For more information, you are advised to contact the Zoning Division at (561) 233-5200.

Control #: 88-61 "County Utility Site, Pike & Lake Worth Roads"
Zoning Resolutions: R-89-962 & R 89-963
PCN 00-42-44-27-02-000-0040
Zoning: RM/SE
Future Land Use: MR-5

Bryan M. Davis, CNU-A
Urban Designer/Principal Planner
Palm Beach County Planning Division
2300 N. Jog Rd., WPB, FL 33411
Phone/Fax: 561.233.5308 / 5365
E-mail: bmdavis@pbcgov.org

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Attachment E
Contractor Certification Form



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

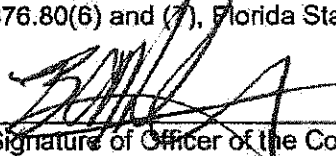
Herschel T. Vinyard Jr.
Secretary

CONTRACTOR CERTIFICATION FORM Brownfields Redevelopment Program

Contractor Name Bureau Veritas North America, Inc. Date: 6-7-2012
 Contractor Address: 8175 NW 12th Street, Suite 110, Miami, FL 33126
 Contact Name: Janet Peterson
 Phone No.: (305) 436-1221 Fax No.: (305) 593-2190
 Brownfield Site ID #: _____

Contractor Certifies by Checking All Appropriate Boxes:	Yes	No
1. It meets all certification and license requirements imposed by law.	x	<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.	x	<input type="checkbox"/>
3. It complies with all applicable OSHA regulations.	x	<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.	x	<input type="checkbox"/>

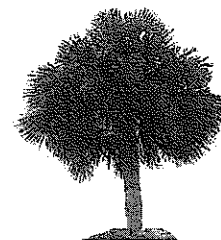
The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Sections 376.80(6) and (7), Florida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

 7 JUNE 12 BRETT C HENSLEY
 Signature of Officer of the Company and Date Signed 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.

Attachment F
Quality Assurance Certificate



State of Florida
Department of Health, Bureau of Laboratories

This is to certify that

E86546

JUPITER ENVIRONMENTAL LABORATORIES, INC.
150 SOUTH OLD DIXIE HWY
JUPITER, FL 33458

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

DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER -
PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE
ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, 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 -
PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS

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 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 01, 2012 Expiration Date: June 30, 2013



Max Salfinger, M.D.
Chief, Bureau of Laboratories
Florida Department of Health
DH Form 1697, 7/04

NON-TRANSFERABLE E86546-24-07/01/2012
Supersedes all previously issued certificates

Attachment G
Advisory Committee Members

**Attachment G
Advisory Committee Members**

Name	Title	Agency	Email Address
Barry Lazarus	Real Estate Administrator	City of West Palm Beach Community Redevelopment Agency	blazarus@wpb.org
Carol Thompson	Economic Development Specialist	Palm Beach County Department of Economic Sustainability	cthompson@pbcgov.org
Elizabeth Woodruff	Grant Writer	City of Fort Pierce Redevelopment Agency	ewoodruff@city-ftpierce.com
Grace Joyce	CRA Redevelopment Administrator	City of West Palm Beach Community Redevelopment Agency	gjoyce@wpb.org
Jon Ward	Director, Urban Development	City of Fort Pierce Redevelopment Agency	jward@city-ftpierce.com
Sherry Howard	Deputy Director	Palm Beach County Department of Economic Sustainability	showard@pbcgov.org
Gregory Vaday	Economic Development Coordinator	Treasure Coast Regional Planning Council	gvaday@tcrpc.org

Attachment H
Format for Submittal of Technical Documents

ATTACHMENT H - 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.

Property Background

Pike Utility Company owned and operated a water and wastewater treatment facility on the property in the 1970s, which consisted of two percolation ponds, a waste pit, drying beds, above ground water storage tank, a wastewater treatment plant, and control building; a site map is provided. Operations ceased in early 1980s, shortly after Palm Beach County Water Utilities Department purchased the property in 1979. Contamination had occurred or existed on the property during the Pike Utility Company's time of operation.

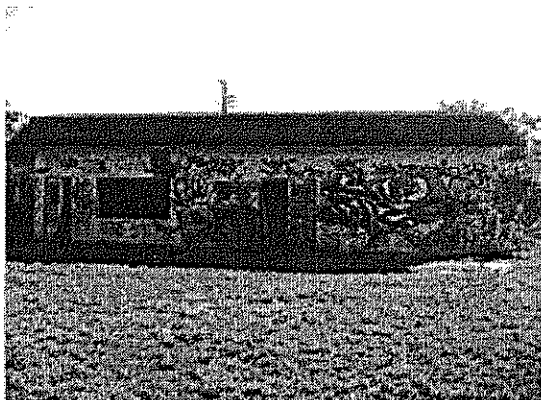
The abandoned above ground water storage tank and control building remain onsite, and the property has remained vacant since operations were stopped in the 1980s. The property is surrounded by a chain link fence for security. However, over the past two years we have noticed an increase of gang activities at this site, which has become a public safety issue. In addition, WUD has received complaints from area residents regarding the unsightliness of the property and associated gang activity, as evidenced by graffiti on existing structures.



View of the former water holding tank from the north



View of the abandoned AST



View of the former control building from the west



View of the former control building from the east



View of the inside of the former control building



View of the inside of the former control building

At the time of purchase in 1979, Environmental Site Assessments (ESAs) were not required nor performed. ESAs were completed in 2000 and 2001 when there was interest in redevelopment of the property. The ESAs indicated the presence of arsenic in soils in the former waste pit area, along the eastern boundary of the property. In 2001, soil remediation was performed by Nodarse & Associates in which approximately 118 tons of soil was excavated and clean fill was brought onsite to backfill the excavated area. In 2007, soil borings indicated presence of arsenic in the former waste pit area, former southern and northwest percolation ponds; and presence of lead in the former northwest percolation pond.

In 2011 a Phase I ESA and Phase II ESA were completed and indicated the presence of arsenic in the former southern percolation pond, iron and molybdenum near the former wastewater treatment plant, and aluminum near the control building. In 2012 a Pre-Demolition Asbestos Survey Report was completed and detected asbestos in the floor tile, roof flashing, and drywall of the former control building.

The Treasure Coast Regional Planning Council (TCRPC) allocated a federal grant from the Environmental Protection Agency (EPA) in the amount of \$200,000 to the County to assist in site cleanup activities. Tasks completed under the federal grant include an Analysis of Brownfields Cleanup Alternatives, Combined Document Site Assessment and Interim Source Removal. The Interim Source Removal activities removed approximately 507 tons of soil from the former southern percolation pond and just east of the control building, and clean fill was brought onsite to backfill the excavated area.

Brownfield Introduction

In 1997, the Florida legislature enacted the Brownfields Redevelopment Act, set forth in Sections 376.77-376.85, Florida Statutes. The primary goals of the Brownfields Redevelopment Act are to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites; derive cleanup target levels and a process for obtaining a "No Further Action" letter using Risk-Based Corrective Action principles; and provide the opportunity for Environmental Equity and Justice.

The Brownfields Redevelopment Act allows communities to designate one or more properties as a Brownfield area. Also, a property owner may enter into a specific Brownfield Site Redevelopment Agreement (BSRA) with the State of Florida, and doing so allows the property owner to take advantage of administrative assistance, regulatory assistance, and financial assistance for voluntary clean up of their property.

To designate a brownfield area, the state requires that local governments conduct a minimum of two public hearings. If after the public hearings the local government decides to designate a proposed brownfield area, the local government must adopt a Resolution designating the area as a brownfield area and include a legal description or map of the parcel(s) to be included in the brownfield area.

- *Brownfield site is an abandoned, idled, or underused property where redevelopment is complicated by real or perceived environmental contamination.*
- *Brownfield area means one or more Brownfield site(s) which is designated by a local government through resolution.*

Proposed Brownfield Area Designation

Three site improvement options are available for the property. Option one is do nothing, however FDEP will require the property to be cleaned up to acceptable levels. Option two is residential development which requires cleanup to residential levels so the property can be developed into a multi-family residential community. Option three is open space and brownfield area designation which includes voluntary cleanup of the property to public use levels. Under Option three, the County is eligible to receive incentives for development. In addition, open space will help to maintain the quality of life enjoyed by existing residents. Therefore, it makes economical sense to designate the property a brownfield area, redevelop it into an open space, cleanup the property for public use, and obtain a conditional site closure with Florida Department of Environmental Protection (FDEP).

Although much environmental cleanup work has already taken place on the property, the former Pike Utilities property has never been officially designated as a brownfield. Such designation and entering into a BSRA with FDEP will allow enrollment of the property into the State program and allow for significant benefits described below.

The benefits of designating the property as a brownfield area and executing a Brownfield Site Rehabilitation Agreement (BSRA) with FDEP are:

- All benefits of Brownfield area
- Regulatory Framework for Cleanup (Rules 62-785 and 62-777, F.A.C.)
- Dedicated staff – expedited technical review
- Liability Protection
- Voluntary cleanup tax credits
- Memorandum of Understanding with EPA
- Possible increase in property values for the area

Brownfield Area Designation Criteria

In determining the areas to be designated as a brownfield area, the local government must consider the following:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation;
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

While the above criteria are listed in the Florida Statutes, there is no requirement that a proposed brownfield area meet all of the criteria.

As proposed, the former Pike Utilities brownfield area meets criteria number one in that the property has reasonable potential for development activities. However, the size of the property and upgrades to Charleston Street make the site not suitable for residential development. The most beneficial use of the site is open space.

The 4220 Charleston St. brownfield area meets criteria number two, in that it is not overly large in geographic coverage and represents a focused approach to the property. At this time, the proposed brownfield area is limited to the former Pike Utilities property.

The 4220 Charleston St. brownfield area does not meet criteria number three. This is because there has been little no interest from the private sector in participating in brownfield area rehabilitation activities.

As proposed, the former Pike Utilities brownfield area meets criteria number four, in that future use of the property will be open space.

Brownfield Area Designation Requirements

In addition to the criteria set forth above, Section 376.80(2)(b), Florida Statutes, sets forth certain requirements for the designation of a brownfield area. Water Utilities staff has reviewed these requirements and determined that the requirements are satisfied in relation to designation of this property as a brownfield area for the following reasons:

1. Palm Beach County is the owner of the property, and the County's Water Utilities Department has requested the designation and has agreed to rehabilitate and redevelop the property.
2. The rehabilitation and redevelopment of the property will result in economic production in the area, and the job creation requirement of the Act is not applicable because the property will be utilized for the creation of a recreational area, conservation area, or a park.

3. The redevelopment of the property is consistent with the Palm Beach County Comprehensive Plan and is a permissible use under applicable Palm Beach County land development regulations. Refer to email from Palm Beach County Planning Department.
4. Proper notice of the proposed rehabilitation of the property has been provided to all required parties and Palm Beach County has provided those receiving comments the opportunity to provide comments and suggestions about the rehabilitation.
5. Palm Beach County, through its Water Utilities Department, has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

Proposed Brownfield Area Designation Resolution

Staff recommends approval of the brownfield area designation Resolution. The Resolution meets the requirements of Florida Statutes in that it acknowledges that the County has considered the brownfield area designation criteria and requirements, recognizes that the County has followed public hearing requirements, and provides a map depicting the proposed brownfield area.

email from Palm Beach County Planning Department that redevelopment is consistent with Palm Beach
County Comprehensive Plan

Krystin Bemtsen

From: Bryan Davis [BMDavis@pbcgov.org]
Sent: Tuesday, May 22, 2012 1:53 PM
To: Thomas H. Miller; Krystin Bemtsen
Cc: Hassan Hadjimiry; Michael W. Jones; Greg Vaday
Subject: Charleston Street/Pike Road WUD site

Good afternoon,

Per your request, the Planning Division finds the proposed removal of the existing abandoned water utility site located on Charleston Street, south of Lake Worth Road, and replacement with a passive enclosure for fallow land to be not inconsistent with the Goals Objectives and Policies of the Comprehensive Plan, particularly within the Future Land Use Element (FLUE). The parcel under consideration features a Medium Residential, 5 units per acre (MR-5) Future Land Use (FLU) designation. This use appears to be consistent with a conservation and/or passive recreation purpose, uses which are generally consistent with a residential FLU designation. Per the FLUE, all residential designations may feature uses such as parks and recreation uses designed to serve the residential area, but may not be those of a regional scale. Furthermore, conservation uses, per FLUE Policy 2.2.7-c, shall be permitted and encouraged in all FLU designations.

Please be advised that a change in use may require rezoning or other approvals to ensure complete consistency between the FLU designation and the zoning district and the proposed new use. For more information, you are advised to contact the Zoning Division at (561) 233-5200.

Control #: 88-61 "County Utility Site, Pike & Lake Worth Roads"
Zoning Resolutions: R-89-962 & R 89-963
PCN 00-42-44-27-02-000-0040
Zoning: RM/SE
Future Land Use: MR-5

Bryan M. Davis, CNU-A
Urban Designer/Principal Planner
Palm Beach County Planning Division
2300 N. Jog Rd., WPB, FL 33411
Phone/Fax: 561.233.5308 / 5365
E-mail: bmdavis@pbcgov.org

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Department of Environmental Protection

VOLUNTARY CLEANUP TAX CREDIT APPLICATION AND AFFIDAVIT

Pursuant to the provisions of s. 376.30781, F.S., application for a Voluntary Cleanup Tax Credit (VCTC) is hereby made. The following information is submitted in support of this application. Please complete the applicable sections of this form, draw a diagonal line through inapplicable sections, and submit the entire application form along with any other required documentation.

SECTION I. - APPLICANT INFORMATION

Application Number
(FDEP Use Only)

A. APPLICANT¹

Name: _____

Address: _____
(Street or P.O. Box)

(City) _____ (State) _____ (Zip Code) _____

Applicant's Point of Contact: _____

Telephone Number: (____) _____ - _____ E-mail: _____

I request that all correspondence related to this application be sent to the applicant's point of contact at their:

- postal address e-mail address *(Choose one)*

Federal Employment Identification Number (FEID), if applicant is a business: _____
(9-digit number)

-OR-

Social Security Number, if applicant is an individual: _____
(9-digit number)

B. APPLICANT'S AUTHORIZED AGENT OR REPRESENTATIVE (OPTIONAL)

Name: _____

Address: _____
(Street or P.O. Box)

(City) _____ (State) _____ (Zip Code) _____

Telephone Number: (____) _____ - _____ E-mail: _____

I request that, in addition to the applicant's point of contact, all correspondence related to this application be sent to the applicant's authorized agent or representative at their:

- postal address e-mail address *(Choose one)*

1 If multiple tax credit applicants are submitting a joint application for one site, please make copies of this page and have each tax credit applicant complete Section I, Applicant Information of this application.

SECTION II. - SITE INFORMATION

A. SITE IDENTIFICATION

Brownfield Site /Drycleaning Facility Name: _____

Address: _____
(Street or P.O. Box)

(City) _____ (State) _____ (Zip Code) _____

Brownfield Site Identification Number: BF _____
(9-digit number)

Is there more than one contaminated site, as defined by Department rule, covered by the above Brownfield Site Rehabilitation Agreement (BSRA)? _____(Yes/No)

----- OR -----

DEP Drycleaning Facility Identification Number: _____
(9-digit number)

If this application is for a Drycleaning Solvent Cleanup Program (DSCP) site and the Real Property Owner is not the applicant, please provide Real Property Owner information.

Name: _____

Address: _____
(Street or P.O. Box)

(City) _____ (State) _____ (Zip Code) _____

Telephone Number: (____) _____ - _____ E-mail: _____

B. TYPE OF SITE

- (1) A drycleaning solvent contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3), F.S. The applicant must complete **Section II.C.** on page 3;
- (2) A drycleaning solvent contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), F.S., if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists. The applicant must complete **Section II.D.** on page 3; or
- (3) A brownfield site in a designated brownfield area under s. 376.80, F.S.

C. DSCP SITES ELIGIBLE FOR STATE-FUNDED SITE REHABILITATION

See paragraph 62-788.300(3)(d), F.A.C.

If box B.(1) is checked on page 2, the applicant must submit with this application a copy of the Department's eligibility order for the DSCP and the appropriate deductible payment, as indicated in the order. Please include a cashier's check or money order (DO NOT SEND CASH, PERSONAL CHECKS, OR CORPORATE CHECKS) made payable to the Water Quality Assurance Trust Fund. This check or money order must be separate from the \$250 non-refundable application review fee required by Section VIII of this application. Please check the appropriate box below to indicate the amount enclosed or previously paid:

- \$1,000 (complete DSCP applications submitted by June 30, 1997)
- \$5,000 (complete DSCP applications submitted July 1, 1997, through September 30, 1998)
- \$10,000 (complete DSCP applications submitted October 1, 1998, through December 31, 1998)
- Deductible previously paid in _____ (year) VCTC application

D. REAL PROPERTY OWNER AFFIDAVIT

See paragraph 62-788.300(3)(b), F.A.C.

If box B.(2) is checked on page 2, the following affidavit must be signed by the real property owner and notarized:

The undersigned, under penalties of perjury, does solemnly swear that the applicant is the real property owner of the property containing the drycleaning solvent contaminated site at which the applicant is voluntarily conducting site rehabilitation, and that the applicant is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists.

Signature of Real Property Owner or Authorized Corporate Real Property Owner Representative Date

Print Name of Real Property Owner or Corporate Real Property Owner

Print Name of Authorized Corporate Real Property Owner Representative Title

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by _____
Real Property Owner's Name

Personally known _____ OR Produced Identification _____
Signature of Notary Public - State of Florida

Type of Identification Produced _____
(Print, type, or stamp Commissioned Name of Notary Public)

SECTION III. – DOCUMENTATION

For more detail, see paragraphs 62-788.300(3)(f) and .330(3)(d), F.A.C.

This application package must include copies of documentation sufficient to demonstrate that the tax credit applicant, which must be the signatory to a Voluntary Cleanup Agreement or BSRA, incurred and paid the costs that were either integral to site rehabilitation or that were for solid waste removal (applies to BSRAs only). Costs for **site rehabilitation** must have been incurred between January 1 and December 31 of the year for which the application is being submitted and paid prior to submittal of the tax credit application; costs for **solid waste removal** must have been incurred and paid since July 1, 2006.

The documentation must clearly describe the goods or services and associated costs that are being claimed in the application. Copies of documents for goods or services that are being claimed must be sufficient to demonstrate a link between the contractual records, the payment requests associated with the contractual records, and the payment records for the claimed portions of the payment requests, as required by each of the following three paragraphs:

1. Contractual records that describe the scope of work performed during the applicable time period that was either integral to site rehabilitation or for solid waste removal. Examples include: contracts, documentation of contract negotiations, proposals, work orders, task orders, and change orders; and
2. Payment requests that describe the goods or services provided in support of the above scope of work. Examples include: invoices, sales tickets, and account statements. **Payment request documents that include costs for goods or services that are not being claimed in the VCTC application must clearly identify which costs are being claimed;** and
3. Payment records that describe the actual costs incurred and paid for the goods or services above. Examples include: cancelled checks, or other payment records from purchases, sales, leases, or other transactions.

The Certified Public Accountant (CPA) and Technical Professional Certifications are not required if the applicant is claiming only an Affordable Housing, Health Care, and/or SRCO VCTC, because the tax credit applicant will have previously provided this documentation in the annual site rehabilitation application(s).

SECTION IV. – TAX CREDIT CLAIM AND CALCULATION

A. TYPE OF TAX CREDIT CLAIMED *(Check all that apply and complete additional sections as directed)*

- (a) Site Rehabilitation; requires completion of Section IV.B.
- (b) Site Rehabilitation Completion Order bonus; requires completion of Section IV.C.
- (c) Affordable Housing bonus; requires completion of Section IV.D.
- (d) Health Care bonus; requires completion of Section IV.E.
- (e) Solid Waste Removal; requires completion of Section IV.F.

B. SITE REHABILITATION

See Rule 62-788.300, F.A.C.

Complete this section to claim a credit in the amount of 50% of the cost of voluntary cleanup activity that was integral to site rehabilitation conducted during the calendar year for which this tax credit application is being submitted.

1.	Total site rehabilitation costs incurred and paid by the applicant for this calendar year	\$ _____
2.	50% of the amount on line 1. or \$500,000 - whichever is less	\$ _____ Site Rehabilitation tax credit claimed
3.	Joint applicant – The percentage and corresponding amount of site rehabilitation costs on line 1. contributed by the joint applicant for this calendar year	Joint applicant name _____ _____ % contributed \$ _____ Amount contributed

C. SITE REHABILITATION COMPLETION ORDER BONUS

See Rule 62-788.300, F.A.C.

If the Department issued a "No Further Action" (NFA) order (i.e., Site Rehabilitation Completion Order - SRCO) for the contaminated site, complete this section to claim the SRCO bonus in accordance with the dates and percentages in the table below.

1.	Total eligible site rehabilitation costs incurred and paid by the applicant from July 1, 1998 through June 30, 2006	\$ _____
2.	10% of the amount on line 1. or \$50,000 - whichever is less	\$ _____ SRCO bonus claimed before July 1, 2006
3.	Total eligible site rehabilitation costs incurred and paid by the applicant on or after July 1, 2006	\$ _____
4.	25% of the amount on line 3. or \$500,000 - whichever is less	\$ _____ SRCO bonus claimed on or after July 1, 2006
5.	Joint applicant – The percentage and corresponding amount of total eligible site rehabilitation costs on lines 1. and 3. contributed by the applicant	Joint applicant name _____ _____ % contributed \$ _____ Amount contributed

➤ *If multiple tax credit applicants are submitting a joint application for one site, please have each applicant indicate that applicant's percentage and amount contributed to payment of site rehabilitation costs on a copy of this page and have each applicant complete a separate copy of the affidavit in Section VII.*

➤ *The combined SRCO bonus amount claimed for site rehabilitation conducted before and after June 30, 2006 cannot exceed \$500,000.*

D. AFFORDABLE HOUSING BONUS

See Rule 62-788.310, F.A.C.

If use of the brownfield site identified in the BSRA is limited to affordable housing, complete this section to claim a tax credit in the amount of 25% of the eligible cost of voluntary cleanup activity that was integral to site rehabilitation and incurred on or after July 1, 2006.

1.	Total eligible site rehabilitation costs incurred and paid by the applicant on or after July 1, 2006	\$ _____
2.	25% of the amount on line 1. or \$500,000 - whichever is less	\$ _____ Affordable Housing bonus claimed
3.	Joint applicant - The percentage and corresponding amount of total eligible site rehabilitation costs on line 1. contributed by the applicant	Joint applicant name _____ _____ % contributed \$ _____ Amount contributed

In accordance with Rule 62-788.310(2), F.A.C., please provide a certification letter from the party to the use agreement that is identified below.

- (a) Florida Housing Finance Corporation
- (b) Local housing authority _____ (Name of Agency)
- (c) Other government agency _____ (Name of Agency)

➤ If multiple tax credit applicants are submitting a joint application for one brownfield site, please have each applicant indicate that applicant's percentage and amount contributed to payment of site rehabilitation costs on a copy of this page and have each applicant complete a separate copy of the affidavit in Section VII.

E. HEALTH CARE FACILITY OR HEALTH CARE PROVIDER BONUS

See Rule 62-788.320, F.A.C.

If use of the brownfield site identified in the BSRA includes a health care facility or a health care provider, pursuant to Sections 408.032, 408.07, or 408.7056, F.S., complete this section to claim a credit in the amount of 25% of the eligible cost of voluntary cleanup activity that was integral to site rehabilitation and incurred on or after **January 1, 2008**.

1.	Total eligible site rehabilitation costs incurred and paid by the applicant on or after January 1, 2008	\$ _____
2.	25% of the amount on line 1. or \$500,000 - whichever is less	\$ _____ Health Care Facility/Provider bonus claimed
3.	Joint applicant -- The percentage and corresponding amount of total eligible site rehabilitation costs on line 1. contributed by the applicant	Joint applicant name _____ _____ % contributed \$ _____ Amount contributed

Please check the category of health care facility or health care provider and specify the type of facility/provider in the space provided.

- (a) Health Care Facility pursuant to Section 408.032, F.S., _____
- (b) Health Care Facility/Provider pursuant to Section 408.07, F.S., _____
- (c) Health Care Provider pursuant to Section 408.7056, F.S., _____

Health Care Facility/Provider claimed in this application:

Doing Business As: _____

Address: _____

City: _____ County: _____

Telephone Number: (____) _____ - _____

In accordance with Rule 62-788.320(2), F.A.C., please provide a copy of one of the required supporting documents listed below.

- (a) Certificate of Occupancy
- (b) License for the operation of the Health Care Facility or Health Care Provider
- (c) Certificate for the operation of the Health Care Facility or Health Care Provider

➤ If multiple tax credit applicants are submitting a joint application for one brownfield site, please have each applicant indicate that applicant's percentage and amount contributed to payment of site rehabilitation costs on a copy of this page and have each applicant complete a separate copy of the affidavit in Section VII.

F. SOLID WASTE REMOVAL TAX CREDIT

See Rule 62-788.330, F.A.C.

Complete this section to claim a credit in the amount of 50% of the costs incurred and paid by the applicant on or after **July 1, 2006** for solid waste removal from within the boundary of the eligible brownfield site identified in the BSRA.

1.	Total costs for solid waste removal incurred and paid by the applicant on or after July 1, 2006	\$ _____
2.	50% of the amount on line 1. or \$500,000 - whichever is less	\$ _____ Solid Waste Removal tax credit claimed
3.	Joint applicant -- The percentage and corresponding amount of the solid waste removal costs on line 1. contributed by the applicant	Joint applicant name _____ _____ % contributed \$ _____ Amount contributed

In accordance with 62-788.330(2), F.A.C., I have consulted with the following local government and DEP officials. With this application, I certify that, to the best of my knowledge, the brownfield site as identified in the BSRA was never operated as a permitted solid waste disposal area or for monetary compensation.

Name of local government official consulted: _____

Title: _____ Telephone Number: (____) _____ - _____

Name of DEP representative consulted: _____

Title: _____ Telephone Number: (____) _____ - _____

➤ *If multiple tax credit applicants are submitting a joint application for one brownfield site, please have each applicant indicate that applicant's percentage and amount contributed to payment of solid waste removal costs on a copy of this page and have each applicant complete a separate copy of the affidavit in Section VII.*

SECTION V. – TECHNICAL PROFESSIONAL CERTIFICATION

For more detail see paragraphs 62-788.300(3)(g) and .330(3)(e), F.A.C.

The following certification shall serve as proof that the voluntary cleanup activities have been conducted under the observation of, and related technical documents have been signed and sealed by, an appropriate professional registered in the State of Florida in each contributing technical discipline associated with the documentation listed in Section III of this application for either annual site rehabilitation or for solid waste removal that has occurred since July 1, 2006, in accordance with department rules and regulations.

Under penalties of perjury, I declare that I have read and understand the requirements of Chapter 62-788, F.A.C., and Sections 376.30781 and 220.1845, F.S. In addition, I certify that I have read the foregoing Voluntary Cleanup Tax Credit application, including all the backup documentation; that I understand and have adhered to the requirements stated on page 4 of this tax credit application; and that the costs incurred and paid by the applicant and claimed in this application were integral, necessary, and required for either site rehabilitation or for solid waste removal, as applicable.

Site Rehabilitation Period Covered by Application

Solid Waste Removal Period Covered by Application

(SEAL)

Signature of Registered Technical Professional

Date

Print Name

Print Title (e.g., Professional Engineer, Professional Geologist)

Technical Professional Information:

Name: _____

Address: _____
(Street or P.O. Box)

(City) (State) (Zip Code)

Telephone Number: (____) _____ - _____

State of Florida License Number: _____

Expiration Date: _____

SECTION VI. - CERTIFIED PUBLIC ACCOUNTANT CERTIFICATION

For more detail, see paragraphs 62-788.300(3)(h) and .330(3)(f), F.A.C., and subsections 62-788.300(4) and .330 (4), F.A.C.

The following certification shall serve as proof that the documentation submitted in accordance with Section III of this application has been reviewed by the undersigned independent CPA in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, the undersigned CPA is attesting to the accuracy and validity of the costs incurred and paid by the applicant after having conducted an independent review of the data presented by the applicant; that the costs included in the application form are not duplicated within the application; and that the application contains only those costs that were incurred during the timeframe represented in the tax credit application and paid prior to submittal of the tax credit application. In addition, a copy of the Independent CPA's report must be completed whenever an annual site rehabilitation or solid waste removal application is submitted. The CPA is not responsible for attesting to whether the costs claimed are for site rehabilitation or solid waste removal.

Under penalties of perjury, I declare that I have read *A Guideline for Agreed-Upon Procedures for Attestation Service for the Voluntary Cleanup Tax Credit (VCTC) Program*¹, Chapter 62-788, F.A.C., and Sections 376.30781 and 220.1845, F.S., and that I understand the accounting requirements associated with these documents. In addition, I attest that I have read the foregoing Voluntary Cleanup Tax Credit application and that the facts stated in it are true to the best of my knowledge and belief.

For **Site Rehabilitation** applications:

For **Solid Waste Removal** applications:

Total Site Rehabilitation Amount Claimed in Application

Total Solid Waste Removal Amount Claimed in Application

Total Site Rehabilitation Amount Approved by CPA

Total Solid Waste Removal Amount Approved by CPA

Time Period Covered by Site Rehabilitation Application

Time Period Covered by Solid Waste Removal Application

Signature of CPA

Date

CPA Information:

Name: _____

Address: _____
(Street or P.O. Box)

(City)

(State)

(Zip Code)

Telephone Number: (____) _____ - _____

License Number: _____

Expiration Date: _____

Original Issue Date: _____

1 DEP has developed guidance to assist CPAs in the review of VCTC applications. This guidance is entitled A Guideline for Agreed-Upon Procedures Attestation Service for the Voluntary Cleanup Tax Credit (VCTC) Program, October 2010, and may be obtained by calling the VCTC program manager at (850) 245-8927.

SECTION VII. – APPLICANT CERTIFICATION AFFIDAVIT

The undersigned applicant, under penalties of perjury, certifies that (s)he has read and understands the requirements of Chapter 62-788, F.A.C., and Sections 376.30781 and 220.1845, F.S., and that all information contained in this application, including all records of costs incurred and paid and claimed in this tax credit application were by the applicant, and are true and correct.

The following sections of this application have been completed and the appropriate documentation to support these claims is transmitted with this application.

<i>(Check all that apply)</i>		Time Period Covered by the Application
<input type="checkbox"/>	Section II.C. Drycleaning Solvent Cleanup Program Sites eligible for State-funded Site Rehabilitation	
<input type="checkbox"/>	Section II.D. Real Property Owner Affidavit	
<input type="checkbox"/>	Section IV.B Site Rehabilitation Tax Credit	
<input type="checkbox"/>	Section IV.C. Site Rehabilitation Completion Order Bonus	
<input type="checkbox"/>	Section IV.D. Affordable Housing Bonus	
<input type="checkbox"/>	Section IV.E. Health Care Facility or Health Care Provider Bonus	
<input type="checkbox"/>	Section IV.F. Solid Waste Removal Tax Credit	

Signature of Applicant _____

Date _____

Print Name _____

Print Title _____

Print Company Name (if applicable) _____

Notary Seal for Applicant's Certification Affidavit

STATE OF FLORIDA
 COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by _____
Applicant's Name

Personally known _____ OR Produced Identification _____

 Signature of Notary Public - State of Florida

Type of Identification Produced _____

 (Print, type, or stamp Commissioned Name of Notary Public)

SECTION VIII. – NON-REFUNDABLE APPLICATION REVIEW FEE

For more detail see paragraphs 62-788.300(3)(e), 310(3)(c), 320(3)(c) or 330(3)(c) F.A.C.

Please include a **cashier's check or money order** made payable to the Water Quality Assurance Trust Fund in the amount of \$250 to cover the administrative costs associated with the Department's review of the tax credit application. The \$250 application review fee is non-refundable. Failure to submit the non-refundable application review fee as required by s. 376.30781(6)(a), F.S., shall result in the application being deemed "incomplete", in accordance with Rule 62-788.400, F.A.C.

Send Completed Applications to:

Department of Environmental Protection
Division of Waste Management
Voluntary Cleanup Tax Credit
2600 Blair Stone Road, Mail Station 4505
Tallahassee, Florida 32399-2400

- OR -

Hand Deliver to:

Department of Environmental Protection
Division of Waste Management
Bureau of Waste Cleanup
2600 Blair Stone Road
Room 309
Tallahassee, Florida
Attn.: Voluntary Cleanup Tax Credit

KEEP A COPY OF THE COMPLETED APPLICATION FOR YOUR RECORDS.

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Brownfield Area** was published in said newspaper in the issues of **June 28, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

①

Sworn to and subscribed before 28th day of June, A.D. 2012.
Who is personally known to me.

Amthmton

NOTARY PUBLIC-STATE OF FLORIDA
Karen M. McLinton
Commission # DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

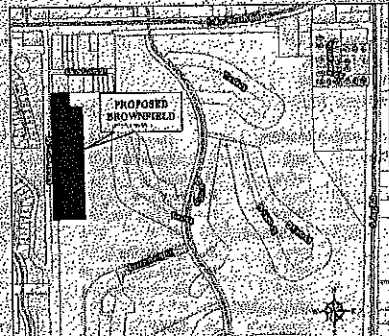
6781522R

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE OF BROWNFIELD AREA DESIGNATION PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, gives notice of its intent to consider adopting a resolution establishing a Brownfield Area near Charleston Street and Lake Worth Road within unincorporated Palm Beach County (as shown below). The second of two public hearings, at which parties in interest and citizens shall have an opportunity to be heard, will be held at its regularly scheduled meeting on July 10, 2012. The meeting will be held in the Jane M. Thompson Memorial Chambers on the 6th floor of the Palm Beach County Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida, 33401, commencing at 9:30 a.m. or as soon thereafter as the matter may be heard. The proposed resolution is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING THE PARCEL LOCATED AT 4220 CHARLESTON STREET WITHIN UNINCORPORATED PALM BEACH COUNTY AS A BROWNFIELD AREA, PROVIDING AN EFFECTIVE DATE, PROVIDING THAT COUNTY STAFF SHALL NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE BROWNFIELD AREA DESIGNATION.

This is the second of two scheduled public hearings for the Brownfield Area designation and enactment of the above titled resolution. The purpose of this public hearing is to obtain public comment on the proposed Brownfield Area designation of the parcel depicted on the map below. A Brownfield area is an abandoned, idled, or underused site where real or perceived environmental contamination can hinder the use or redevelopment of a property and where a local government has determined that the area warrants economic development.



ALL INTERESTED PERSONS are invited to attend said Public Hearing and have a right to appear and file written comments with the Board of County Commissioners prior to or during the Public Hearing. If any person decides to appeal a decision made by this Commission with respect to any matter considered at the Public Hearing, they will need a record of the proceedings, and for that purpose, they may need to ensure that a verbatim record of the Public Hearing is made, which record includes the testimony and evidence upon which the appeal is to be based.

Palm Beach County, Florida
Board of County Commissioners
PUBLISH: The Palm Beach Post June 28, 2012