

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

Meeting Date: November 17, 2015 **Consent** **Regular**
 Public Hearing

Department: County Administration

Submitted By: County Attorney

Submitted For: County Administration

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to:** Approve the payment of \$6,400.27 to bring the County current with group assessments for the Florida Petroleum Reprocessors contamination site in Davie, Florida, in accordance with the provisions of the Consent Decree with the United States Environmental Protection Agency approved by the Board on October 5, 2004 (R2004-2056.1).

Summary: On June 8, 1999, the Board paid \$52,200 to join a potentially responsible parties ("PRP") group that would negotiate with the United States Environmental Protection Agency ("EPA") for cleanup of the Florida Petroleum Reprocessors ("FPR") contamination site. In October 2004, the Board approved a Consent Decree which allowed for a resolution of cleanup liability at the FPR site. The Consent Decree required an assessment to the PRP group of \$1.5 million dollars which represented past and future cost estimates at the FPR site. The assessment resulted in a refund to the County of \$2,729.69. A final assessment of \$779,000 is required from the PRP group which should cover all PRP costs through the completion of the Consent Decree. The County's pro-rata share is \$6,400.27. Countywide (AH)

Background and Justification: The County sent approximately 12,000 gallons of used oil to an oil recycling facility operated in Davie, Florida by Florida Petroleum Reprocessors. In early 1988, EPA identified an area of highly contaminated soil and groundwater at the facility and a large area of groundwater contamination beyond the facility boundary. After the County was identified as a potentially responsible party, the County joined the PRP group and participated in an Administrative Order on Consent for removal of ground soil contamination. **(Continued on Page 3)**

Attachments:

1. None

Recommended by: _____


COUNTY ATTORNEY

Date

10/2/15

Approved by: _____

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2016 | 2017 | 2018 | 2019 | 2020 |
|--|-----------------|-------|-------|-------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | <u>\$6,400.</u> | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>6,400</u> | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

Is Item Included in Current Budget? Yes X No _____

Budget Account No.: Fund 0001 Department 760 Unit 7601 Object 4901

Reporting Category _____

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

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

[Signature]
 NO M.I. OFMB OK 8/10/15
 10/2 10/2 10/5 10/5/15

[Signature] 10/16/15
 Contract Development and Control
 B. Wheeler 10-16-15

B. Legal Sufficiency:

[Signature] 10-2-15
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

Background and Justification: (Continued from Page 1)

Thereafter, the Board approved an agreement to participate in the PRP group's good faith offer with EPA for remediation of groundwater pollution at the FPR site. Based on the good faith offer by the PRP group, a Consent Decree had been negotiated with EPA specifying the terms and conditions for settlement of the PRP group's liability. EPA's assessed fee of \$1.5 million to the PRP group represented past and future costs. The County's pro rata amount of that assessment was \$49,470.31, but the County's original payment of \$52,200 was applied towards that assessment, so the County received a reimbursement of \$2,729.69.

Although EPA's assessment of \$1.5 million dollars was expected to be the final assessment at the FPR site, EPA has determined that future cleanup costs has exceed the original \$1.5 million dollars collected in 2004 from the PRP group. The Consent Decree allows EPA to assess additional fees to the PRP group for future cleanup costs. Based on future costs for cleanup of the FRP site, the PRP group is being assessed \$779,000 which should be the final assessment at the FPR site. The County's pro rata share is \$6,400.27.