

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 6, 2020

Consent       Regular  
 Ordinance       Public Hearing

Department: Engineering and Public Works  
Submitted By: Engineering and Public Works  
Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF


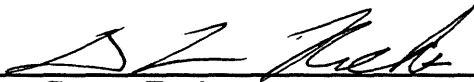

**Motion and Title:** Staff recommends motion to adopt: a Resolution delegating authority to the County Administrator or designee to execute standard United States Environmental Protection Agency (EPA) Access Authorization forms; providing for severability and providing an effective date.

**SUMMARY:** Adoption of the Resolution delegates authority to the County Administrator or designee to execute access authorization for the EPA and its contractors to assess, remove, monitor and remediate contamination on Palm Beach County (County) owned property. Access authorization will be provided without cost to the EPA or its officers, employees, contractors and other authorized representatives. The work performed by the EPA will be completed at no cost to the County. Access authorization for the EPA is valid for 2 year periods. Countywide (YBH)

**Background and Justification:** The EPA maintains a program to assess, remove, monitor and remediate contamination on properties pursuant to 42 USC § 9604(e), of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 et. seq., as amended, and requires access authorization to address County owned properties. The Engineering Department and the County Attorney's Office in collaboration with the EPA have approved this access authorization. The Engineering Department recommends that the Board of County Commissioners adopt the Resolution delegating authority to the County Administrator or designee to execute this and future access authorizations that are substantially similar for remediation on County owned properties.

**Attachments:**

- 1. Resolution with Attachment "A"

 Recommended by: YBH/TEL	 County Engineer	8/31/2020 Date
Approved by:	 Assistant County Administrator	9/7/20 Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No  
 Does this item include the use of federal funds? Yes No X

**Budget Account No:**

Fund Dept Unit Object

**Recommended Sources of Funds/Summary of Fiscal Impact:**

\*\*This item has no fiscal impact.

C. Departmental Fiscal Review: Alicia Kovalainen

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

Rebecca Kremer 8/31/2020  
 OFMB 8/31

[Signature] 9/3/2020  
 Contract Dev. and Control 9-2-20 TW

**B. Approved as to Form and Legal Sufficiency:**

[Signature] 9/4/2020  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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

**RESOLUTION NO. R 2020-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR OR DESIGNEE TO EXECUTE STANDARD UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ACCESS AUTHORIZATION FORMS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Palm Beach County (County) owns and maintains property in Palm Beach County, Florida; and

**WHEREAS**, the United States Environmental Protection Agency (EPA) maintains a program, through itself and its officers, employees, contractors and other authorized representatives to assess, remove, monitor and remediate contamination (Remediation) on property meeting certain criteria, at no cost to the property owners; and

**WHEREAS**, the EPA requires an owner of property to grant authorization for the EPA to access the property (Access Authorization) before the EPA will initiate Remediation; and

**WHEREAS**, the EPA has express authority under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 et. seq., and it is therefore in the public interest to allow the EPA to complete Remediation on County properties; and

**WHEREAS**, the Board of County Commissioners (BCC) is delegating authority to the County Administrator or designee to execute standard Access Authorizations; and

**WHEREAS**, the delegation to the County Administrator or designee to execute Access Authorizations would eliminate delays caused by requiring future Access Authorizations to be brought before the BCC for approval, which is consistent with the goal of the BCC to streamline the agenda process.

**NOW THEREFORE** be it resolved by the Board of County Commissioners of Palm Beach

County, Florida, that:

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.
2. The County Administrator or designee is hereby delegated authority to execute, on behalf of the BCC, the Access Authorization attached hereto and incorporated herein as **Attachment "A"** or another document that is substantially similar.
3. If any section, sentence, clause, phrase or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.
4. This Resolution will take effect immediately upon its adoption.

ATTACHMENT "A"

ACCESS AUTHORIZATION

- I. This Access Authorization is granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by PALM BEACH COUNTY (COUNTY), a political subdivision of the State of Florida, by and through its Board of County Commissioners, on the terms stated herein. The COUNTY is the owner of property located in \_\_\_\_\_, Palm Beach County, Florida, Parcel No. \_\_\_\_\_ (the Property).
- II. Pursuant to 42 USC § 9604(e)(4), of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 *et. seq.*, as amended, the U.S. Environmental Protection Agency (EPA) is authorized to enter property to inspect, sample and/or conduct response actions, for the purpose of determining the need for response, selection of the response, or implementing any response action, or otherwise enforcing the provisions pursuant to CERCLA § 9604(a).
- III. Subject to the terms and conditions herein, the COUNTY hereby grants authorization to the EPA, its officers, employees, contractors and other authorized representatives access to the Property and monitoring wells located thereon, pursuant to CERCLA § 9604(e)(4) for the implementation of the Record of Decision being conducted by the EPA in connection with the Trans Circuits Superfund Site in Lake Park, Florida (the Site). The EPA will enter the Property at reasonable times and will provide COUNTY with a minimum of one week's notice prior to entry. EPA will provide written notice to COUNTY, as follows:  
  
Palm Beach County Engineering and Public Works Department  
Tanya N. McConnell, P.E.  
Deputy County Engineer  
2300 N. Jog Road  
West Palm Beach, FL 33411  
[tmcconne@pbcgov.org](mailto:tmcconne@pbcgov.org)
- IV. Pursuant to CERCLA § 9604(e)(4), this authorization allows the EPA to perform remedial activities at the Property that may include but are not limited to the following: collect groundwater samples from any existing monitoring wells located on the property, collect soil samples on the property, drill subsurface boreholes up to approximately 250 feet deep and collect soil and/or groundwater samples from these boreholes, survey the borehole location, photograph borehole installation and sampling activities, install a flush mounted monitoring well at each borehole location, transport equipment onto or about the property as necessary to accomplish the above activities, and clean away all debris and restore property to original condition.
- V. This consent for access to the Property will remain in effect for a period of two (2) years from the date of signature below, unless amended. COUNTY's authorization for EPA to enter the Property to conduct the activities described above is granted voluntarily. COUNTY may revoke this access authorization at any time. COUNTY will provide the EPA no less than sixty (60) days notice prior to any such revocation.
- VI. COUNTY acknowledge that these actions by the EPA are undertaken pursuant to its response and enforcement responsibilities under CERCLA.

ATTACHMENT "A"

VII. Please return this signed and dated Access Authorization to: **Marcia O'Neal**, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, Superfund & Emergency Management Division/Restoration & Sustainability Branch, 61 Forsyth Street, S.W., Atlanta,

COUNTY ADMINISTRATOR OR DESIGNEE

APPROVED AS TO TERMS  
CONDITIONS:

By: \_\_\_\_\_

By: \_\_\_\_\_

Division Director

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

ATTEST:  
SHARON R. BOCK,  
CLERK & COMPTROLLER

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

\_\_\_\_\_  
CLERK

ybh

\_\_\_\_\_  
Assistant County Attorney

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name