

Florida Brownfields Association Technical Committee Hot Topics



Frank L. Hearne & Steve Hilfiker
FBA Technical Committee
Co-Chairman

Focus of FBA Technical Committee

- ▶ Interdisciplinary approach to legal & technical issues
- ▶ Scope of allowable Non-recorded Institutional Controls
- ▶ FDEP guidance documents
- ▶ Tracking updates to ASTM E1527 Phase I ESA standard
- ▶ Tracking updates on PFAS
- ▶ Related technical issues associated with:
 - ▶ population growth and
 - ▶ environmental policy in Florida

Frank L. Hearne

Selected Legal Topics

- ▶ “Non-recorded Institutional Controls”
 - ▶ Water Management District control of water use permitting
 - ▶ Local government hook-up ordinances and other controls.
- ▶ “Considerations for Stormwater Features at Conditionally Closed Sites” – Issues raised for practitioners.
- ▶ VCTC rules update:
 - ▶ https://www.flrules.org/gateway/View_Notice.asp?id=25102259
- ▶ Institutional Controls Procedures Guidance
 - ▶ <https://floridadep.gov/waste/waste/content/institutional-controls-procedures-guidance>

Steve Hilfiker

FDEP Guidance Documents

- ▶ Guidance for Preparation of Soil Management Plans
- ▶ Guidance for Soil Reuse Involving Soil Mixing/Blending Activities at 62-780, F.A.C. Sites
- ▶ Guidance for Use of Geomembranes and Geotextiles as Engineering Controls at 62-780, F.A.C. Sites to Satisfy 62-780.680(2) or (3), F.A.C. No Further Action
- ▶ Considerations for Stormwater Features at Conditionally Closed Sites
- ▶ Draft of ICPG document "C.1 - Non-DRC ICs (NDICs)"
- ▶ <https://floridadep.gov/waste/waste/content/institutional-controls-procedures-guidance>

ICPG Documents Currently Under Revision

Please provide comments to ICPG@FloridaDEP.gov.

Document Title	Document Links	Revision Date
G – After the CSRCO Is Issued	Draft	09/23/21 Comments Requested by 11/22/21
G.1 – ICs After Issuance of the CSRCO	Draft	09/23/21 Comments Requested by 11/22/21
G.2 - Certification of Restricted Activities on Conditionally Closed Cleanup Sites	<ul style="list-style-type: none">• Clean Version• Changes Shown	05/27/21 Comments Requested by 08/31/21

C.1 - Non-DRC ICs (NDICs)	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20
C.2 - Considerations for Evaluating Local Governmental Controls	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20
C.11 - Owner's Notice Requirements to Local Governments, Real Property Owners, Resident or Business Tenants, and Existing Encumbrance Holders	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20
C.17 - IC Notice Procedures	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20
Attachment 9A - Mailed Notice of Intent to Approve Use of Institutional Control for Real Property Owners, Residents, Lessees, Encumbrance Holders	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20

Attachment 9D - Mailed Notice of Intent to Approve Use of Non-DRC Institutional Control for Non-Source Property Owners	<ul style="list-style-type: none"> • Clean Version • Changes Shown 	09/10/20
Conditional Site Rehabilitation Closure Order (CSRCO) Template	Draft	09/14/21
Attachment 3A: Declaration of Restrictive Covenant, Form A – Any Section of DRC Encumbers the Entire Property	Draft	09/08/20
Attachment 3B – Declaration of Restrictive Covenant Form B – Only Portions of the Property of GRANTOR Are to be Encumbered	Draft	09/23/21 Comments Requested by 11/22/21
Guidance for Use of Geomembranes and Geotextiles as Engineering Controls at 62-780, F.A.C. Sites to Satisfy 62-780.680(2) or (3), F.A.C. No Further Action	Draft	08/19/21 Comments Requested by 10/31/21



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August 31, 2021

Office of District and Business Support
Division of Waste Management
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

VIA Email Only: ODBS_Review@FloridaDEP.gov

RE: Draft Guidance for Preparation of Soil Management Plans
Draft Guidance for Soil Reuse Involving Soil Mixing/Blending Activities

Draft Synthetic Liner Use Guidance

DRAFT_Synthetic_Liner_Use_Guidance_17Aug2021.docx

Guidance for Use of Geomembranes and Geotextiles as Engineering Controls at 62-780, F.A.C. Sites to Satisfy 62- 780.680(2) or (3), F.A.C. No Further Action

Florida Department of Environmental Protection
Division of Waste Management
District and Business Support Program
Tallahassee, FL
DRAFT -August 17, 2021

[Tracked comments provided by the Technical Committee of the Florida
Brownfields Association.](#)

ASTM E1527 Pending Amendments

https://www.linkedin.com/posts/environmental-risk-information-services_webinar-a-revised-astm-standard-for-phase-activity-6854134905694171136-q-Rp

Webinar – A revised ASTM Standard for Phase I ESAs is
HERE

ERIS
WEBINARS

Monday, November 1, 2021
11:00 AM CST

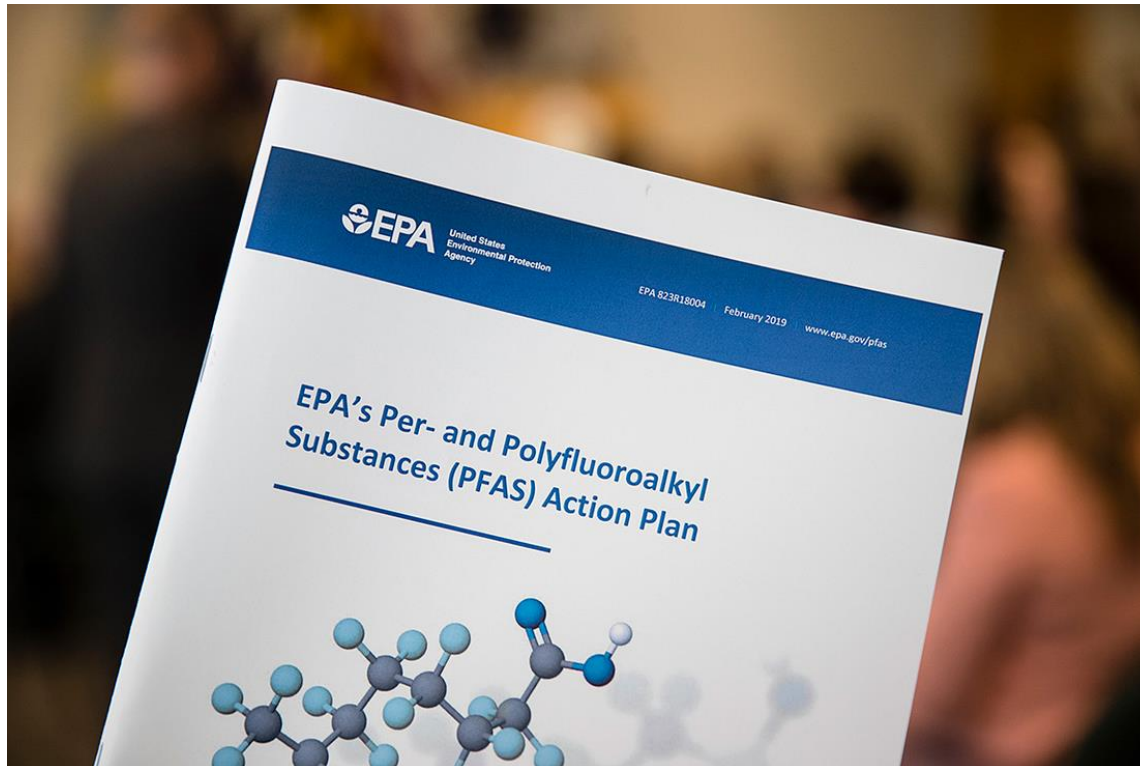
A revised ASTM Standard
for Phase I ESAs is HERE



October 18, 2021 PFAS Update

EPA Administrator Regan Announces Comprehensive National Strategy to Confront PFAS Pollution

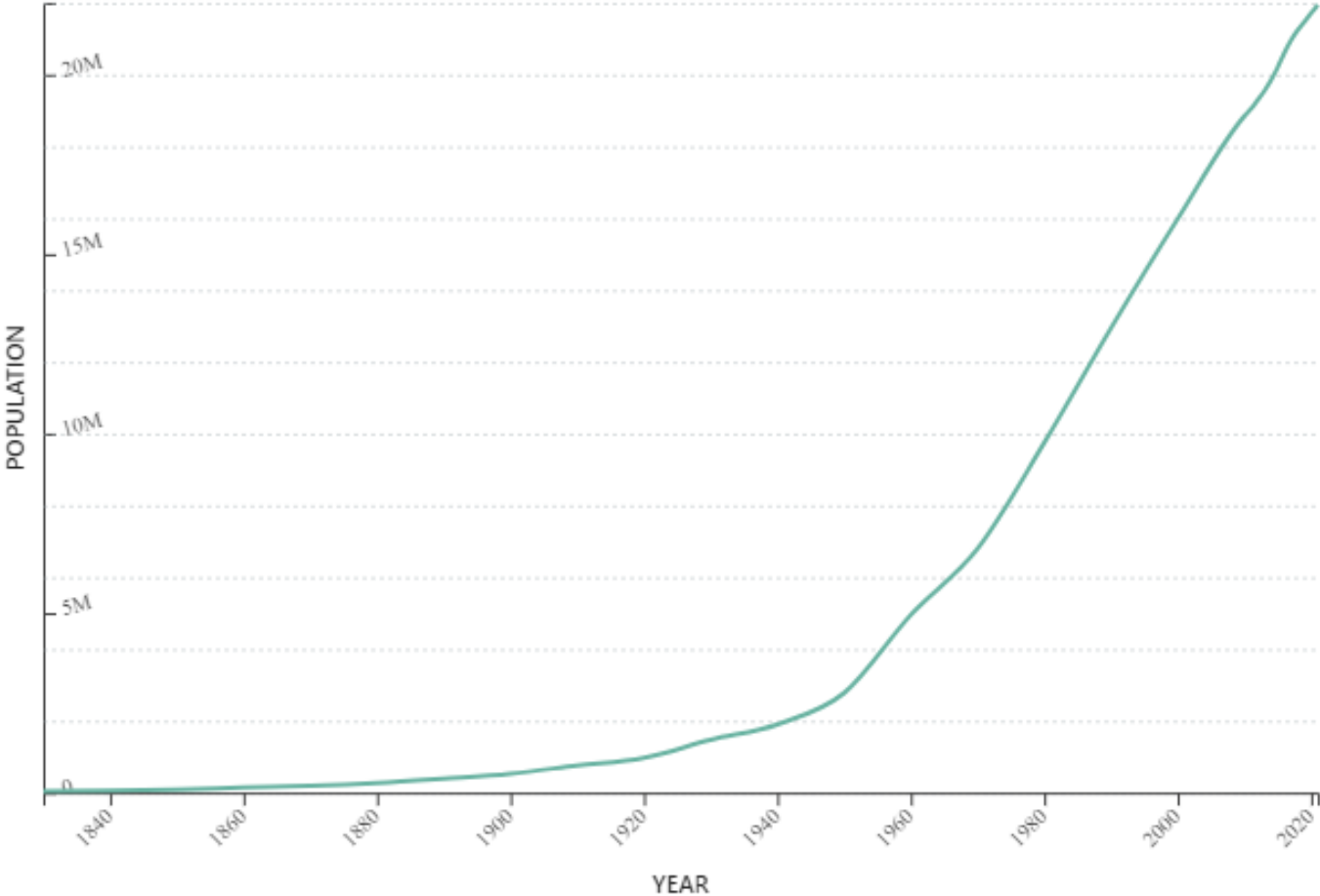
WASHINGTON (Oct. 18, 2021) – Today U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced the agency's comprehensive Strategic Roadmap to confront PFAS contamination nationwide.



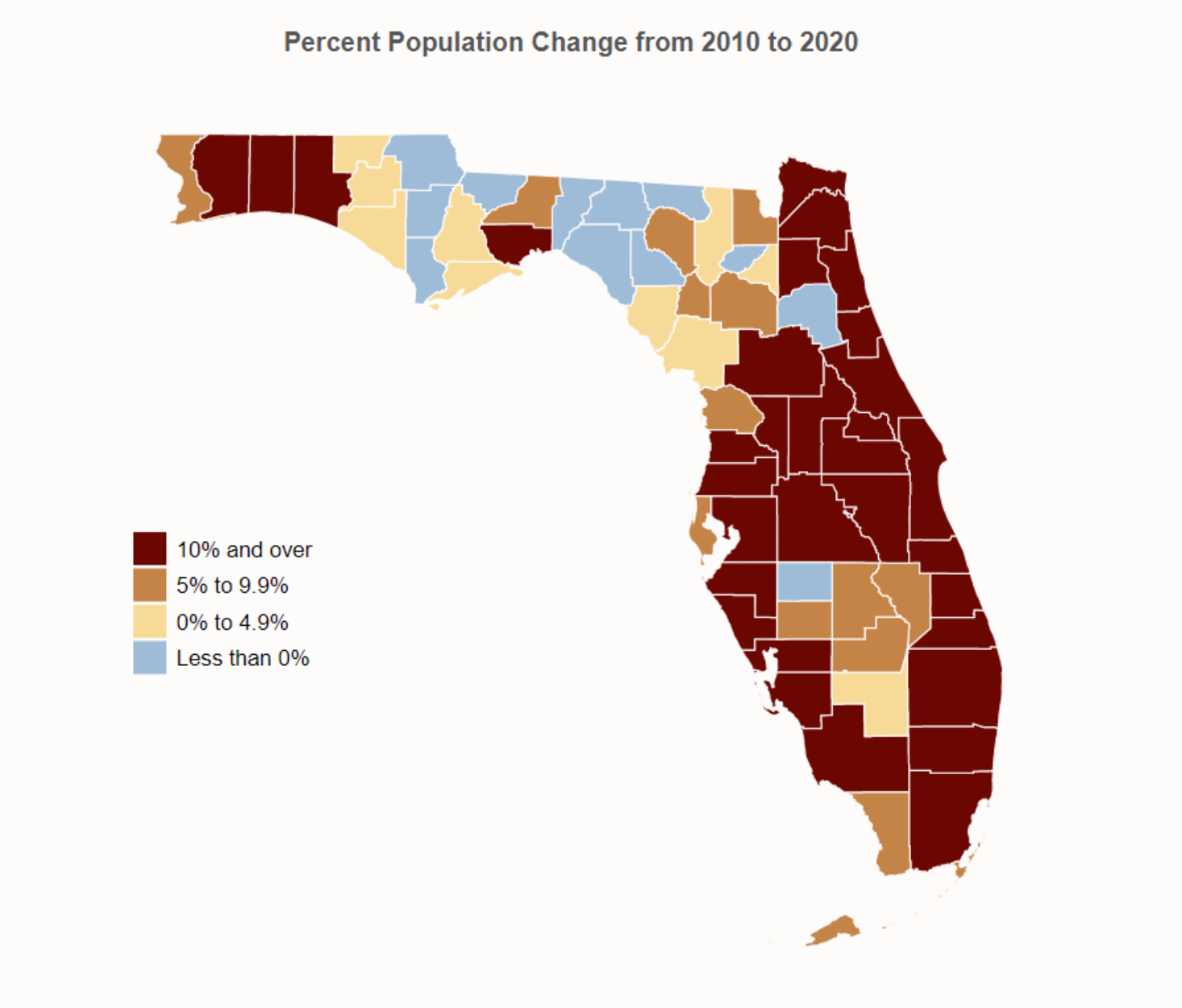
Link: <https://worldpopulationreview.com/states/florida-population>

Florida Population 2021

21,944,577



Link: <https://www.bedr.ufl.edu/population>





**Where is
everyone
going to live?**

Redevelopment

Brownfields Program



New Development



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