

**Attachment 9A: Mailed Notice of Intent to Approve Use of Institutional Control for Real Property Owners, Residents, Lessees, Encumbrance Holders**

A notice should be provided to real property owner(s) of any property subject to the Institutional or Engineering Control, and to any resident, lessee, or business tenant (except where notice by publication to such parties is permitted pursuant to 62-780.200(7) F.A.C.), and to any party holding an encumbrance in the area subject to the control, when the encumbrance holder's property rights are materially affected by the proposed restriction(s) as discussed in Section C.11, including all holders of materially affected mortgages (whether using a Declaration of Restrictive Covenant or other approved Institutional Control). DEP should be provided with complete electronic copies of the mailed notice(s) and a list of names and addresses of entities to whom the notice was sent, and the date sent. In the case of recorded encumbrances, notice should be made in accordance with the terms for notice set forth in the recorded Instrument, if any.

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<ON LETTERHEAD OF THE PRSR, if applicable>

{Name of Recipient}

{Address of Recipient}

Re: Notice of Intent to Conditionally Close a Contaminated Site Using an Institutional Control

Dear {insert name or To Whom It May Concern}:

You are receiving this notice because you are {a real property owner, resident, lessee, or business tenant of property subject to the Institutional or Engineering Control; or, the holder of the following recorded Instrument: {insert name and date of Instrument, along with book and page number or other recording information taken from the title report}, on certain property owned by {owner's name} ("Owner")}.

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In relation to certain environmental site rehabilitation activities on the property, the person responsible for site rehabilitation (PRSR) has requested that Florida Department of Environmental Protection (DEP) approve a No Further Action Proposal with Institutional Controls or with Engineering and Institutional Controls {for non-CERCLA ACTLs: and issue a Site Rehabilitation Completion Order with Conditions} for a contaminated site relating to this property. {PRSR name} is seeking this order in reference to DEP Site ID # {site id #} {facility name, address} and intends to restrict exposure to contamination in the following manner: {describe the type of controls such as land use restrictions, water use restrictions, caps over contaminated soil, etc.} that {will be set forth in a Declaration of Restrictive Covenant between the Owner and the DEP, that will further encumber the property; {{select appropriate and or }} by reliance on existing {{insert citation to city/county local ordinance, MOA, DEP rule, etc.}} that require(s) connection to a community water system, dewatering rules, etc., as applicable}.

{Optional: Attached to this letter is a summary of the history of the contamination addressed by the Institutional Control, including the type of contamination, the affected media and the location of the contamination.} Please contact the undersigned if you have

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any questions regarding this notice. In addition, you may contact *{site/project manager's name & phone number}* to discuss the status of the work. Complete copies of the No Further Action Proposal, the *{draft Restrictive Covenant or the alternative IC (such as ordinance or MOA)}* that is proposed to be relied upon, and the DEP's preliminary evaluation are available for public inspection online at [Oculus](#), the online document management system. Please use the DEP Site, Facility or Project number listed on the DEP's preliminary evaluation to communicate with DEP or [Oculus](#).

**Letter recipients have 30 days from receipt of this notice to provide comments to the DEP. Such comments should be sent to DEP *{name and email address of person who should receive comments}*.**

Sincerely

*{Typed name of sender}*

Attachment: *{insert name of attachment}*

cc: *{DEP name and email address of person who should receive comments}*

**Deleted:** Real property owner(s) of any property subject to the Institutional or Engineering Control, residents, lessees, business tenants, and encumbrance holders of any property subject to the institutional or engineering control

**Deleted:** Within the 30-day comment period, those parties may request additional time for review.

**Commented [A1]:** FBA would like to open discuss with the Department the timeframes, process and considerations for Department evaluation and response to comments that are received by the Department in response to notices to easement or encumbrance holders – particularly as they relate to easement holders.

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