BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGHCOUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

IN RE: **Community Redevelopment Agency for The City of Plant City, Florida**
Gro-Mor Fertilizer Plant
306, 307 South Evers Street & Adjacent Parcel, Plant City, Florida
Mid-Town Brownfield Area
Brownfield Area Identification Number: "BF291002000"
Brownfield Site Identification Number: "BF291002002"

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 Environmental Protection Commission of Hillsborough County (EPC) has been delegated the authority to administer the Brownfields Program on behalf of the State of Florida Department of Environmental Protection ("Department"), pursuant to Section 376.80(11), F.S., and the rules promulgated thereunder, and also Chapters 62-777 and 62-785, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department and the EPC, through its delegation, have 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 EPC and Community Redevelopment Agency for The City of Plant City ("CRA"), hereinafter also 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 EPC and CRA agree to the following:

1. ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

The EPC operates pursuant to a special act, Chapter 84-446, Laws of Florida, as amended ("EPC Act"), the rules promulgated thereunder, Chapter 403, F.S.; and a delegation from the State dated June 15, 2004. The lands within the geographic boundaries of Hillsborough County are within the jurisdiction of the EPC and subject to the delegation, laws, rules, regulations, authority, and orders pursuant to Chapters 376 and 403, F.S. The EPC has the authority and power to enforce the provisions of Chapters 403 and 376, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Community Redevelopment Agency for The City of Plant City 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 the **City of Plant City** in Resolution Number 210-2010 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 City resolution with all attachments including the map of the designated brownfield area. The Brownfield Site consists of 1.26 acres.

3. PRFBSR'S DUTIES

PRFBSR agrees:

(a) To conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., the source of which 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 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 EPC, the County, the City and the State of Florida 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 conformance with the plans and specifications approved by the EPC;

(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 adopted pursuant thereto;

(f) To allow access by the EPC and 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 EPC 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 EPC and the Department;

(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**;

(h) This redevelopment does not involve disturbing a non-permitted historic solid waste disposal area.

4. CERTIFICATION

The PRFBSR has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site. CRA certifies that the proposed redevelopment on the real property described in **Attachment A** complies with applicable laws and requirements for such redevelopment. Documentation 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 who is 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 EPC that 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 and approved by the EPC before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the EPC 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, 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 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 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.

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 EPC for review, 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. NON-WAIVER

Nothing in this BSRA shall be deemed a waiver, express or implied, of the EPC's, PRFBSR's or the City's sovereign immunity under Section 768.28, F.S.

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 EPC shall notify PRFBSR and allow 90 days for PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the EPC 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 EPC shall terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the EPC. 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 or the EPC 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 or the EPC 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 EPC, 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. 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 Hillsborough 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 **Paragraph6** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to the Brownfields Coordinator, Environmental Protection Commission of Hillsborough County, Waste Management Division, 3629 Queen Palm Drive, Second Floor, Tampa, FL 33619-1309.

The EPC 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 EPC'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 EPC approval of each report, plan or other submittal, an electronic copy of the final approved submittals shall be submitted to the EPC within 30 days. The electronic copy of the report, plan, and other submittals 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 EPC 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 EPC to complete additional work on a previous task.

17. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the EPC. However, the EPC 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.; and, (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this Agreement.

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 EPC'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 EPC. The liability protection for 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 EPC'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 EPC's decision, you may do the following:

(i) File a request for an extension of time to file a petition for hearing with the EPC within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with the EPC in an attempt to informally resolve any disputes without first filing a petition for hearing. The filing must be received by the EPC Legal Department (3629 Queen Palm Dr., Tampa FL 33619) within 21 days of receipt of the BSRA.

or

(ii) File a petition for administrative hearing with the EPC within **21** days of receipt of this BSRA. The filing must be received by the EPC Legal Department (3629 Queen Palm Dr., Tampa, FL33619) within **21** days of receipt of the 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 EPC 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 EPC Legal Department (3629 Queen Palm Dr., Tampa FL 33619) 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) EPC Legal Department (3629 Queen Palm Dr., Tampa FL 33619) within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to 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, if any; the PRFBSR's name and address; the EPC'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 EPC's action or proposed action;

3. An explanation of how each petitioner's substantial interests are or will be affected by the EPC'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 EPC's action or proposed action;

6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the EPC's action or proposed action, including an explanation of how the alleged facts relate to the specific rules and statutes; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the EPC to take with respect to the EPC'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 EPC'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 EPC 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 EPC Legal Department (3629 Queen Palm Dr., Tampa FL 33619) 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 EPC (see below).

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21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the EPC's review of the BSRA, or technical questions should be directed to the EPC Brownfields Coordinator at:

Environmental Protection Commission of Hillsborough County
Waste Management Division
3629 Queen Palm Drive
Tampa, FL33619-1309
(813)627-2600

or to the PRFBSR's representative at:

Frank L. Hearne, Esquire
Mechanik Nuccio Hearne & Wester, P.A.
305 South Boulevard
Tampa, Florida33606
813-909-7400

Questions regarding legal issues should be referred to the EPC's Legal Department at (813) 627-2600. 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.

23. FEES

Nothing in this provision shall preclude the EPC from charging and collecting administrative fees, investigative costs, or other costs incurred by the EPC resulting from performing enforcement and compliance functions. Nothing in this Agreement shall prohibit the EPC from seeking penalties, damages, costs, or attorney fees as provided by law and ordinance. All civil penalties and damages recovered by the EPC shall be deposited in the Pollution Recovery Fund.

Gro-Mor Fertilizer Plant Site
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF291002002

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: **Richard D. Garrity,** Executive Director, on behalf of the Environmental Protection Commission, and **Gregory S. Horwedel**, Executive Director, on behalf of the Community Redevelopment Agency for The City of Plant City, Florida, both of whom are authorized to sign on behalf of the respective parties.

COMMUNITY REDEVELOPMENT AGENCY FOR THE CITY OF PLANT CITY, FLORIDA

By: _____
Gregory S. Horwedel,
Executive Director

Date: 9 June 2011

PO Box C
Plant City, Florida 33654
813-659-4242

Approved as to form and correctness:

By: _____
Kenneth W. Buchman, Esq.
City Attorney

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

By: _____
Richard D. Garrity
Executive Director

Date: 6/10-11

Approved as to form and legality:

_____
EPC Counsel

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated EPC Clerk, receipt of which is hereby acknowledged.

_____
Clerk (or Deputy Clerk)

Date: 6/10/11

cc: Rhonda L. Moore, Esq., FDEP Brownfields Program Attorney
Kim Walker, FDEP Brownfields Liaison
John Sego, FDEP SW District
Rick Muratti, EPC Attorney

List of Attachments

Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description and Location Map 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 and Insurance Certificates
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
LOCATION MAP OF BROWNFIELD SITE

Legal Description

Parcel 1:

East 53 feet of Block 10 and all of Blocks 11 and 12 of FLORIDA RAILWAY AND NAVIGATION COMPANY'S ADDITION TO PLANT CITY as recorded in Plat Book 1, Page 28 of the Public Records of Hillsborough County, Florida.

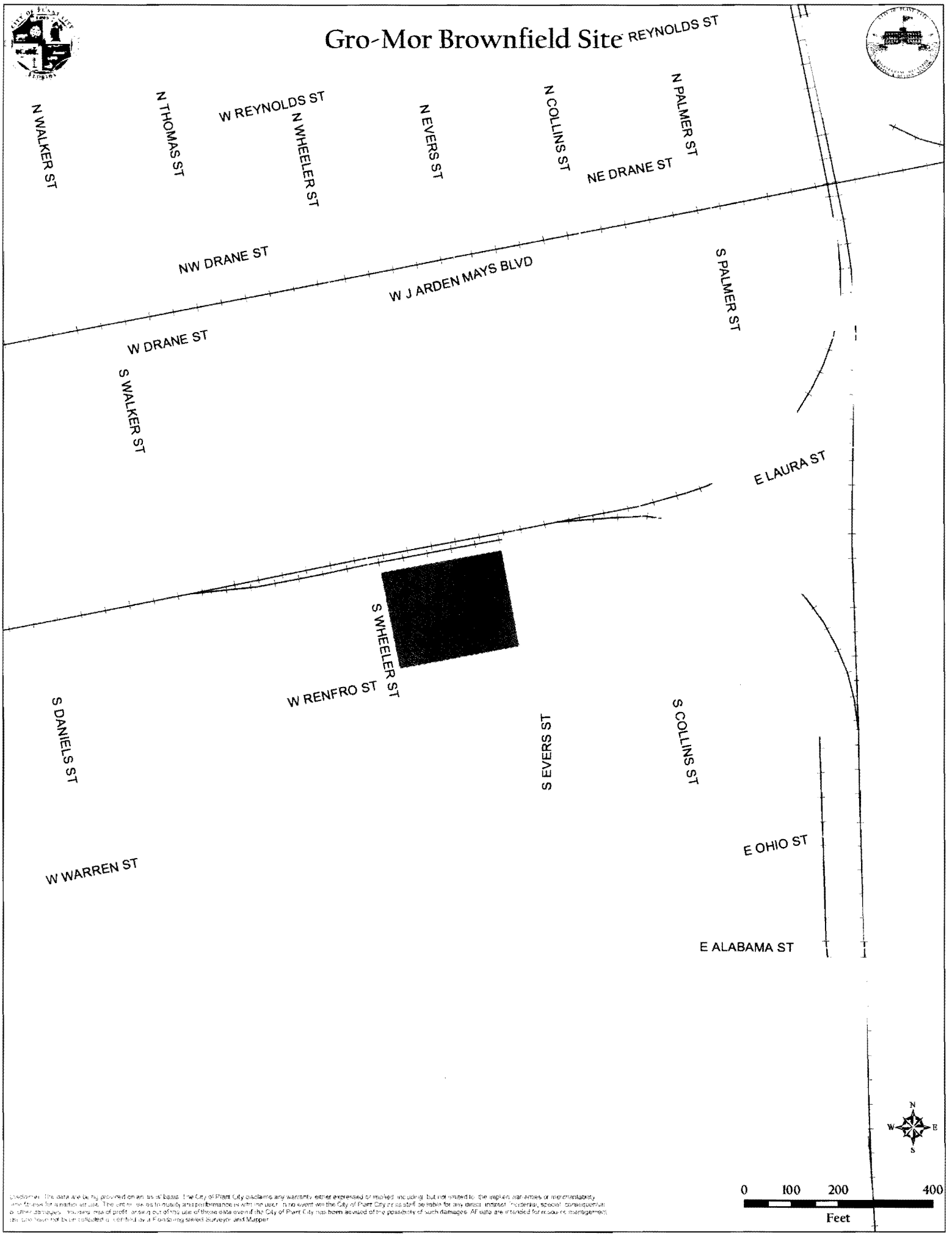
Parcel 2:

Lot 3, Block 13, of FLORIDA RAILWAY AND NAVIGATION COMPANY'S ADDITION TO PLANT CITY, as recorded in Plat Book 1, Page 28 of Hillsborough County, Florida.

Parcel 3:

Lot 4, Block 13, of FLORIDA RAILWAY AND NAVIGATION COMPANY'S ADDITION TO PLANT CITY as recorded in Plat Book 1, Page 28, of Hillsborough County, Florida

Gro-Mor Brownfield Site



Disclaimer: This data are being provided on an "as is" basis. The City of Plant City disclaims any warranty, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance is with the user. In no event will the City of Plant City or its staff be liable for any direct, indirect, incidental, special, consequential or other damages. You denied loss of profit, arising out of the use of these data even if the City of Plant City has been advised of the possibility of such damages. All data are intended for resource management use. Data have not been collected or certified by a Florida registered Surveyor and Mapper.

CITY OF PLANT CITY

KENNETH W. BUCHMAN
City Attorney
P.O. Box C
Plant City, FL 33564
Telephone (813) 659-4242
Fax (813) 659-4243

Ms. Kim Walker, Brownfields Liaison
Florida Department of Environmental Protection
Bureau of Waste Cleanup
2600 Blair Stone Road, MS 4505
Tallahassee, Florida 32399-2400

December 6, 2010

Re: Brownfield Area Designation Notification
Midtown Brownfield area

Dear Ms. Walker:

In accordance with Section 376.80(1), Florida Statutes, the City of Plant City is notifying the Department of Environmental Protection of its decision to designate a Brownfield area to be called Midtown Brownfield Area, for the purpose of environmental site rehabilitation and economic redevelopment.

A copy of Resolution Number 210-2010 adopted on November 22, 2010 approving this designation is attached. The legal description of the properties included in the designated Brownfield area is given as an attachment to the resolution labeled "Exhibit A". A diagram showing the parcel included in the designated Brownfield area is given as an attachment to the resolution labeled "Exhibit B".

Please feel free to contact my office, if you have any questions or require additional information.

Sincerely,

Kenneth W. Buchman
City Attorney

cc: Deborah Getzoff, FDEP Southwest District Office
John Sego, FDEP Southwest District Office
Mary Yeargan, Hillsborough County EPC
Frank Hearne, Esquire

RESOLUTION NO. 210-2010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA DESIGNATING A BROWNFIELD AREA TO BE CALLED MIDTOWN BROWNFIELD AREA WITHIN THE CITY FOR PROPERTY GENERALLY LOCATED NORTH OF MERRICK STREET, EAST OF WALKER STREET, SOUTH OF CSX RAILROAD, AND WEST OF CANAL RUNNING NORTH AND SOUTH OF ALSOBROOK STREET TO/AND INCLUSIVE OF CSX RAILROAD, CONSISTING OF APPROXIMATELY 83.59 ACRES FOR THE PURPOSE OF ENVIRONMENTAL SITE REHABILITATION AND ECONOMIC REDEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida, in Sections 376.77 - 376.85, Florida Statutes, adopted the Brownfields Redevelopment Act. The purpose of which is to encourage the redevelopment and the voluntary cleanup of real property where the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination; and

WHEREAS, the Brownfields Redevelopment Act created a process whereby a local government with jurisdiction over the Brownfield area must by resolution notify the Florida Department of Environmental Protection of its decision to designate a Brownfield area; and

WHEREAS, the real property which is the subject of this Resolution is within a Community Redevelopment Area; and

WHEREAS, the City of Plant City has conducted the necessary public hearing(s) for designation of a Brownfield area; and

WHEREAS, the City of Plant City has considered:

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; and

4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purposes; now therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA, THAT:

Section 1. The City Commission for the City of Plant City, hereby designates the property generally located North of Merrick Street, East of Walker Street, South of CSX

Railroad and West of Canal running North and South of Alsobrook Street to/and inclusive of CSX railroad, consisting of 83.59 acres, and described with more particularly in the legal description attached hereto as Exhibit "A" and as depicted by the map attached hereto as Exhibit "B", as a Brownfield area for the purposes of Sections 376.77 - 376.85, Florida Statutes. Such designation shall not, however, render the City of Plant City liable for the cost of site rehabilitation or source removal, as those terms are defined in Section 376.79, Florida Statutes.

Section 2. The City Manager, City Clerk and City Attorney are hereby authorized to do all things necessary and proper to make effective the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

Adopted by the City Commission on November 22, 2010.

Daniel D. Raulerson
Mayor-Commissioner

ATTEST:

Kerri J. Miller
City Clerk

Approved as to form and correctness:

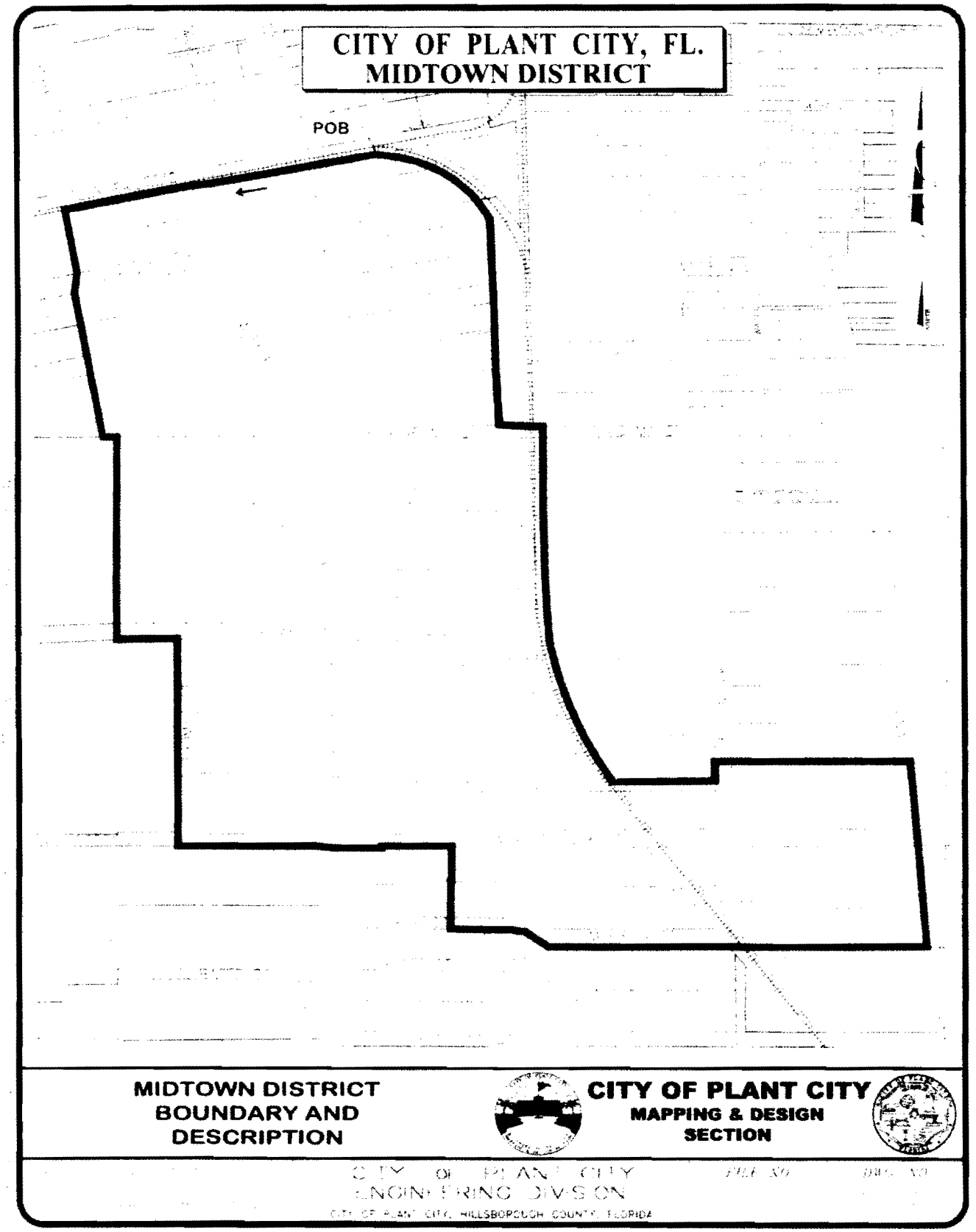
Kenneth W. Buchman
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

For a POINT OF BEGINNING commence at the intersection at the Southwest corner of South Collins Street and CSX Railroad right-of-way lines; run Southwesterly along the Southerly right-of-way line for CSX Railroad to a point 9.00 feet Southwesterly of the centerline of vacated 60.00 foot right of way for South Walker Street (Sparkman St. by plat), of Warren's Survey of Plant City as recorded in Deed Book "K", page 531 of the Public Records of Hillsborough County, Florida; thence run Southeasterly along a line being 21.00 feet Easterly of and parallel with the Easterly boundary of Lots 1 and 4 in Block 30 of said Warren's Survey of Plant City, to the Northern right-of-way line of West Renfro Street; thence run Southwesterly to the intersection at the Southwest corner of West Renfro Street and South Walker Street right-of-way lines; thence run Southeasterly along the Westerly right-of-way line of South Walker Street to the Southerly boundary of South Walker Street; thence run Easterly along the Southerly boundary of South Walker Street to the Northwest corner of Lot 3 in Block 2 of D. L. Crums Subdivision, as recorded in Deed Book "K", Page 532 of the Public Records of Hillsborough County, Florida; thence run Southerly along the West boundary line of Lots 3, 4 and 9, and its Southerly extension, in said Block 2 to the South right-of-way of West Ball Street; thence run Easterly along the South right-of-way line of West Ball Street to the intersection at the Southwest corner of West Ball Street and South Thomas Street right of way lines; thence run Southerly along the West right-of-way of South Thomas Street to the South right-of-way line of West Alsobrook Street; thence run Easterly along the South right-of-way line of West Alsobrook Street to the Northeast corner of Lot 6 in Block 1 of Collins Park, as recorded in Plat Book 12, Page 14 of the Public Records of Hillsborough County, Florida; thence run Southerly along the Eastern boundary, and its Southerly extension, of Lots 6 and 7 in said Block 1 to the South right-of-way line of West Merrick Street; thence run Easterly along said South right-of-way line to the intersection at the Southwest corner of West Merrick Street and South Collins Street right of way lines; thence run Southeasterly to the intersection at the Southeast corner of East Merrick Street and South Collins Street right of way lines; thence run Easterly along the South right-of-way of East Merrick Street to the East boundary of East Merrick Street, thence continue Easterly along the South boundary of the North Quarter of the Southwest Quarter of the Northwest Quarter of Section 33, Township 28 South, Range 22 East to the East bank of Canal; thence run Northwesterly along the East bank of Canal to the North right-of-way line of East Alsobrook Street; thence continue Northwesterly along the East Bank of the Canal to a point on the North boundary line of the South 222.00 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 28 South, Range 22 East; thence run West along the North boundary line of the South 222.00 feet of the Northwest Quarter of the Northwest Quarter of said Section 33 to the West right-of-way line of Hitchcock Street; thence run Southerly along the West right-of-way-line of Hitchcock Street to the North line of vacated right of way (Ordinance 70-1992) located in Whitehursts Subdivision, as recorded in Plat Book 1, Page 90 of the Public

Records of Hillsborough County, Florida; thence run West along the North boundary of said vacated right-of-way line to the East right-of-way line of CSX Railroad; thence run Northwesterly and Northerly along the CSX Railroad East right-of-way line to the North right-of-way line of East Alabama Street; thence run West along the North right-of-way line of East Alabama Street to the West right-of-way line of CSX Railroad right-of-way line; thence run Northerly and Northwesterly along the West right-of-way line of CSX Railroad to the POINT OF BEGINNING.

EXHIBIT "B"


CITY OF PLANT CITY, FL.
MIDTOWN DISTRICT
POB
MIDTOWN DISTRICT
BOUNDARY AND
DESCRIPTION
CITY OF PLANT CITY
MAPPING & DESIGN
SECTION
CITY OF PLANT CITY
ENGINEERING DIVISION
CITY OF PLANT CITY, HILLSBOROUGH COUNTY, FLORIDA

ATTACHMENT B
BROWNFIELD SITE REHABILITATION SCHEDULE

1. The PRFBSR who wishes to conduct cleanup pursuant to the Brownfields Redevelopment Act must propose a brownfield site rehabilitation schedule as required by §376.80(5)(a), F.S. The schedule shall describe the schedule for site rehabilitation activities that addresses each of the contamination assessment and remedial action tasks including milestones for completion of site rehabilitation tasks, submittal of technical reports and rehabilitation plans and the Department's or delegated local program's review time frames for review of reports or plans. The approved schedule shall be submitted as **Attachment B** and incorporated into the BSRA. All contamination assessment and remedial action tasks set forth therein shall be conducted in a timely manner and in accordance with the approved schedule for site rehabilitation.

2. The PRFBSR shall submit one hard (paper) copy and one electronic (digital) copy or two hard copies of each report to the Department or to the delegated local program in the format provided in Section 8 of the Instructions.

3. Table I on the following page contains examples of submittals or suggested review time frames for reports, as applicable, submitted by the PRFBSR for review by the Department or by the delegated local program and initiation of applicable activities by the PRFBSR. **Table I schedule <u>may be modified</u> to more accurately represent the site activities**. However, the PRFBSR's actions or document submittal time frames shall not exceed the time frames in Chapter 62-785, F.A.C. without Department or delegated local program approval:

Attachment B
Table I
Suggested Brownfield Site Rehabilitation Schedule

Note: All PRFBSR Deadlines applicable to the CRA are agreed to be subject to availability of funding and approvals to proceed.

Type of Report or Activity	PRFBSR Action or Submittal Time Frames	EPC Review or Comment Timeframes
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 EPC'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. The Community Redevelopment Agency For The City of Plant City, Florida, the real property owner ("undersigned" or "owner"), hereby gives permission to the Environmental Protection Commission of Hillsborough County (EPC) and its agents and subcontractors to enter the undersigned's property ("the property") consisting of the Gro-Mor Fertilizer Plant Site located at 306, 307 South Evers Street & Adjacent Parcel, Plant City, Hillsborough County, Florida as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number BF 291002002, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the EPC 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 EPC, 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 EPC 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 EPC 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 EPC, 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 EPC 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 EPC 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 EPC will take reasonable steps not to interfere with the Owner's operations, or the remediation and redevelopment activities pursuant to the BSRA.

COMMUNITY REDEVELOPMENT AGENCY
FOR THE CITY OF PLANT CITY, FLORIDA

By: _____
Gregory S. Horwedel,
Executive Director

Date: 15 JUNE 2011

PO Box C
Plant City, Florida 33654
813-659-4242

Approved as to form and correctness:

By: _____
Kenneth W. Buchman, Esq.
City Attorney

Witness: Linda M. Young

Witness: _____

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

By: _____
Richard D. Garrity
Executive Director

Date: 6-20-2011

Approved as to form and legality:

_____
EPC Counsel

Witness: Jeannette Figari

Witness: Linda Perry

ATTACHMENT D
CERTIFICATION OF REDEVELOPMENT AGREEMENT

The PRFBSR must certify that he or she has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment, complies with applicable laws and requirements for such redevelopment. The PRFBSR must document this certification, by including one of the following as Attachment D of the BSRA:

- Reference to or a copy of a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government's approval of proposed redevelopment of the brownfield site;
- A copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or
- A letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government's agreement with or approval of the proposed redevelopment.

If the local government with jurisdiction over the site is also the PRFBSR, the PRBSR only needs to submit documentation that describes the redevelopment. However, please include a statement in Attachment D that indicates that the PRFBSR and the local government with jurisdiction are the same entity.

The Redevelopment planned for the Brownfield Site is consistent with that reviewed and approved by the CRA Board as a part of the Plant City Midtown Redevelopment Vision Plan June 2007.

ATTACHMENT E
CONTRACTOR CERTIFICATION FORM

The PRFBSR must ensure that any contractor performing site rehabilitation program tasks at or for the real property described in Attachment A has provided documentation and certification to the Department or to the delegated local program that the contractor meets the requirements of Paragraph 6, Site Contractor. These requirements include all certification and licensing requirements and implementation of the Standard Operating Procedures (SOPs) for field sampling in accordance with Chapter 62-160, F.A.C. (A link to Chapter 62-160 is provided in the Attachment F instructions below). The Contractor Certification Form (CCF) shall be completed and submitted to the District Brownfields Coordinator or to the delegated local program Brownfields Coordinator. The completed CCF shall be submitted as **Attachment E**.

If at the time of execution of the BSRA, the identity of a contractor is not known, the PRFBSR shall ensure that the required CCF is submitted to the Department or to the delegated local program prior to the contractor performing site rehabilitation program tasks at the site. The contractor is defined as the contractor responsible for performing the site rehabilitation program tasks at or for the real property described in Attachment A. The contractor may subcontract to other licensed contractors. See §489.113(9), F.S. for additional information.

Environmental Protection Commission

CONTRACTOR CERTIFICATION FORM
Brownfields Redevelopment Program

Contractor Name _____ Date: _____

Contractor Address: _____

Contact Name: _____

Phone No.: _____ Fax No.: _____

Brownfield Site ID #: _____

	Contractor Certifies by Checking All Appropriate Boxes:	**Yes**	**No**
1.	It meets all certification and license requirements imposed by law.	☐	☐
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.	☐	☐
3.	It complies with all applicable OSHA regulations.	☐	☐
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.	☐	☐

The person named below by signing as an "Officer of the Company" hereby certifies to the Environmental Protection Commission of Hillsborough County (EPC) 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.)]:

_____ _____
Signature of Officer of the Company and Date Signed Print Name of Officer of the Company

_____
Title of Officer of the Company

This form will be kept on file by the EPC. Contractors must immediately notify the EPC (Brownfields District Coordinator) of any change in the above criteria. The EPC 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

The PRFBSR shall submit to the Department or the delegated local program documentation as **Attachment F**, showing that a NELAP-recognized accrediting authority (in Florida, the Department of Health, Environmental Laboratory Certification Program) has accredited the laboratory(s) performing analyses. Analytical methods capable of meeting the cleanup target levels in Chapter 62-785, F.A.C., shall be used for all analyses.

For comprehensive information about the Chapter 62-160, F.A.C., a link to the Department's field Standard Operating Procedures, and for the complete text of Chapter 62-160, F.A.C., visit

http://www.dep.state.fl.us/labs/qa/index.htm

The Department or the delegated local program reserves the right to reject any results generated by the PRFBSR if any organization performs an activity that is not specifically approved in accordance with Chapter 62-160, F.A.C., if there is reasonable doubt as to the quality of the data or method used, if the sampling was not performed in accordance with the approved SOPs, or if analysis was performed not in accordance with NELAP accreditation, or if the SOPs or NELAP accreditation of any organization expires.

ATTACHMENT G
ADVISORY COMMITTEE MEMBERS

The names, addresses, and contact numbers for all Advisory Committee members shall be included in **Attachment G**. The PRFBSR must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by §376.80(5), F.S. This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed.

The advisory committee shall have the opportunity to review any proposed redevelopment agreement prepared pursuant to §376.80(5)(i), F.S. and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee shall be provided a copy of the executed brownfield site rehabilitation agreement. 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 must 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.

1. Mary E. Yeargan, P.G.
   Environmental Protection Commission
   of HillsboroughCounty
   RogerP.StewartCenter
   Waste Management Division
   2nd Floor South
   3629 Queen Palm Drive
   Tampa, Florida33619
   (813) 627-2600, extension 1303
   yearganm@epchc.org

2. Nate Kilton
   Sedita Kilton & Company Certified Public Accountants, P.L.
   104 North Evers Street
   Suite 202
   Plant City, Florida33563
   813-752-4197
   nate@sedita.com

3. E. Wayne Wiggins
   Plant City Realty
   208 West Baker Street
   Plant City, Florida33563
   813-764-0840
   wayne@plantcityrealty.com

4. Brett Gocka
City Engineer
City of Plant City
302 West Reynolds Street
Plant City, Florida33563
813-659-4123
bgocka@plantcitygov.com

5. Michael E. Karr
Assistant to City Manager
City of Plant City
302 West Reynolds Street
Plant City, Florida33563
813-659-4274
mkarr@plantcitygov.com

6. James McDaniel
Community Services Director
City of Plant City
302 West Reynolds Street
Plant City, Florida33563
813-659-4209
jmcdaniel@plantcitygov.com

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.