



Legislation Details (With Text)

**File #:** 13169  
**Type:** Agenda Item **Status:** Agenda Ready  
**File created:** 11/6/2023 **In control:** Board of County Commissioners  
**On agenda:** 12/12/2023 **Final action:**  
**Enactment date:** **Enactment #:**  
**Title:** Declaration of Restrictive Covenant With Department of Environmental Protection for Former Fleet Maintenance Facility Located at 201 West Dr. Martin Luther King, Jr., Boulevard

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Declaration of Restrictive Covenant, 2. Approved Declaration of Restrictive Covenant With Department of Environmental Protection for Former Fleet Maintenance Facility Located at 201 West Dr. MLK, Jr., Blvd

Date	Ver.	Action By	Action	Result
12/12/2023	1	Board of County Commissioners		

**TITLE**

Declaration of Restrictive Covenant With Department of Environmental Protection for Former Fleet Maintenance Facility Located at 201 West Dr. Martin Luther King, Jr., Boulevard

**BRIEF OVERVIEW**

In an effort to address historical contamination in soil and groundwater with the mix of both petroleum and non-petroleum contaminants of concern (COC) due to reported discharges, the Florida Department of Environmental Protection (DEP) ordered Hernando County to establish and complete a Remedial Action Plan to perform site rehabilitation at the Hernando County Department of Public Works (DPW) former Fleet Maintenance Facility site located at 201 West Martin Luther King Boulevard, Brooksville, and adjoining properties, if needed.

Reports confirmed that contaminated soil and groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.) existed on the property; the contamination did not exceed ¼ acre and the contamination was not migrating. The reports indicated that the contamination did not extend beyond the property boundary.

In October 2010, staff received a final Remedial Action Plan (RAP) completed by Cardno TBE to address soil and groundwater impacts at the site. The RAP proposed both primary and complementary remedial approaches allowing for the potential use of multiple technologies to achieve specific remedial cleanup targets or impacted media present on-site and on adjacent properties. The proposed technologies and milestones were presented as a decision tree to allow flexibility of the remedial approaches necessary to remediate the site as well as support site redevelopment activities. DEP approved the submitted Remedial action Plan via a Remedial Action Plan Approval Order on December 6, 2010.

The DEP has agreed to issue a Conditional Site Rehabilitation Completion Order upon recordation of the Declaration. DEP can unilaterally revoke the Order if the conditions of the Declaration or the Order are not met. Additionally, if concentrations of Volatile Organic Compounds (VOCs) or metals increase above the levels in the Order, or if a subsequent discharge occurs at the property, DEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable DEP rules.

The following restrictions and requirements provided in the Order are:

- Groundwater Use
- Dewatering
- Stormwater Features
- Soil Engineering Controls
- Excavation and Construction
- Subdivision of Property

The Declaration shall continue in perpetuity, unless otherwise modified in writing by Hernando County or DEP.

The final step in the process is recording this Declaration of Restrictive Covenant that spells out the terms of the property being maintained in its natural and open condition and restricted from any development or use that would impair or interfere with the conservation purposes of this Declaration.

## **FINANCIAL IMPACT**

Funding to record the document is estimated at \$180.00 and is available in Account No. 1011-01352-5304923 Transportation Trust Fund, Engineering, Fees/Costs-Filing Fees.

## **LEGAL NOTE**

Reviewed and approved for legal form and sufficiency by the County Attorney's Office. The Board is authorized to act on this matter pursuant to Chapter 125, Florida Statutes.

## **RECOMMENDATION**

It is recommended that the Board approve and authorize the Chairperson's signature on the attached Declaration of Restrictive Covenant for conditional closure site rehabilitation for the former Fleet Maintenance Facility Located at 201 West Martin Luther King, Jr., Boulevard.