

MODEL - Effective Date: \_\_\_\_\_

## Brownfield Site Rehabilitation Agreement (BSRA) Amendment and Instructions

### Instructions:

1. This model BSRA Amendment supersedes any previously distributed models. This model BSRA Amendment should be used as the template beginning on, \_\_\_\_\_. However, if a BSRA Amendment has been drafted with an earlier template, the Florida Department of Environmental Protection (FDEP) will work with the Person Responsible For Brownfield Site Rehabilitation (PRFBSR) to make the appropriate changes.
2. Remove these instructions and delete all language in { } or [ ], but not ( ) before finalizing the document.
3. Submit a completed electronic Word or Word compatible copy or a hard copy of the draft BSRA Amendment with all attachments to the appropriate District Brownfield Coordinator for review. Please include a cover letter or email which provides contact information for the person(s) coordinating the BSRA Amendment for the PRFBSR and indicate when the BSRA Amendment needs to be executed (e.g., by the end of the current calendar year, or some other date).
4. Contact the appropriate delegated local environmental program [Broward DEPGM (954-519-1478), Hillsborough County EPC (813- 627-2600, Ext. 1294) or Miami-Dade RER (305-372-6700)] for a copy of a modified amendment template if the brownfield site is located within the jurisdiction of these counties.
5. The model includes optional language in a few places throughout the document. Please work with your District Brownfields Coordinator or the Brownfields Program Manager to determine the correct language for your project.
6. Use the same Brownfield ID numbers and OGC tracking number associated with the original BSRA.

Due to the large number of BSRAs and BSRA Amendments submitted at the end of each calendar year, the FDEP recommends that BSRAs and BSRA Amendments that need to be executed by the end of the calendar year, be submitted to the District Brownfield Coordinator no later than October 1. District Brownfield Coordinators are encouraged to review such drafts with PRFBSRs and, when complete, forward the drafts to FDEP's Brownfields Program Manager as soon as possible.

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **[Insert Name of the Person(s) or Entity Responsible For Brownfield Site Rehabilitation]**  
**[Insert Brownfield Site Name]**  
**[Insert Brownfield Site Address, City, State, Zip Code]**  
**[Insert Brownfield Area Name]**  
**[Insert Brownfield Area Identification Number: "BFXXXXXXXXXX"]**  
**[Insert Brownfield Site Identification Number: "BFXXXXXXXXXX"]**  
**[Insert FDEP Identification Number(s): COM\_, Facility #, etc.]**  
**[Insert OGC Tracking Number:]**

**{First, Second, etc.} AMENDMENT TO  
BROWNFIELD SITE REHABILITATION AGREEMENT**

WHEREAS, the State of Florida Department of Environmental Protection (the "Department") and \_\_\_\_\_, hereinafter the Person Responsible For Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), entered into the Brownfield Site Rehabilitation Agreement (the "BSRA") on \_\_\_\_\_ **{Date of Original or Most Recent BSRA}**, attached hereto as **Exhibit A**;

WHEREAS, pursuant to paragraph \_\_\_\_ of the BSRA **{Currently, paragraph 22 of the BSRA template.}**, the BSRA may be amended if the amendment is reduced to writing, duly signed by the Department and PRFBSR, and attached to the original BSRA;

WHEREAS, the Department and PRFBSR seek to amend the BSRA to update certain provisions and Attachments of the BSRA, and \_\_\_\_\_ **{e.g., add additional parcels and/or PRFBSR to the BSRA, etc.}**, as set forth below; and

NOW, THEREFORE, the Department and PRFBSR agree as follows:

1. The BSRA is hereby amended to:
  - a. Add \_\_\_\_\_ as a PRFBSR to the BSRA. All references to \_\_\_\_\_ as the PRFBSR in the original BSRA shall now refer to both \_\_\_\_\_ and \_\_\_\_\_ as PRFBSRs under the BSRA;
  - b. Add \_\_\_\_\_ as additional property to the BSRA **{Be sure to update Attachment A, including the legal description of the property, and include a site access agreement, Attachment C, for the additional property.}**;
  - c. Amend paragraph(s) \_\_\_\_\_ of the BSRA as follows:

- Do references to the cleanup rule need to be updated to Chapter 62-780, F.A.C. (verses Chapter 62-785, F.A.C.)?
- Does the FDEP brownfield coordinator need to be updated (and/or the address)?

d. Amend the following Attachments to the BSRA:

- Attachment A - Local Government Resolution for the Brownfield Area and Map and Legal Description 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
- Attachment F - Quality Assurance Certificate
- Attachment G - Advisory Committee Members
- Attachment H - Format for Submittal of Technical Documents
- Attachment I - Publication of Notice (Optional; delete if not published).

2. In all other respects, the BSRA is hereby ratified and confirmed by the parties to be in full force and effect, as amended hereby, and has not otherwise been modified or amended except as set forth herein. All references in the BSRA shall be hereafter deemed to refer to the BSRA as amended hereby.

### 3. **EFFECTIVE DATE AND ADMINISTRATIVE HEARING**

This {first, second, etc.} Amendment to 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, Florida Statutes ("F.S."), within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this (first, second, etc.) Amendment to BSRA will not be effective until further order of the Department. **{Insert the following sentence if the Amendment is adding a PFRBSR(s):** The liability protection for any additional PRFBSRs being added by the Amendment to the BSRA pursuant to §376.82(2), F.S., becomes effective upon execution of the Amendment to the BSRA.} The procedures for petitioning a hearing are set forth below.

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), Florida Administrative Code ("F.A.C."), the Department 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 Agency Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this Amendment to BSRA. Petitioner shall mail a copy of the request to the PRFBSR(s) 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 Amendment to 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) the Agency Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this Amendment to BSRA. Petitioner shall mail a copy of the petition to the PRFBSR(s) 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, any email address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSRs' name(s) and address(es); the Department's Brownfield Area and Brownfield Site Identification Numbers; the name and address of the Brownfield Site; and the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, 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 Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including

an explanation of how the alleged facts relate to the specific rules or statutes;  
and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department'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 Department's final action may be different from the position taken by it in this Amendment to BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, each of the parties has made and executed this {1<sup>st</sup>, 2<sup>nd</sup>, etc.} Amendment to Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below and each indicate that she or he is duly authorized to execute same. **{If PRFBSR(s) is a business entity, please ensure the person signing has the authority to sign on behalf of the business entity; see link to FDEP's signature authority memo for more information <https://floridadep.gov/ogc/ogc/documents/example-signature-blocks-and-certifications.>}**

PERSON RESPONSIBLE FOR  
BROWNFIELD SITE REHABILITATION

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
(PRFBSR Authorized Signatory)

BY: \_\_\_\_\_  
Director, {insert DEP District} District

\_\_\_\_\_  
(Print Signatory's Name & Title)

\_\_\_\_\_  
(Print Director's Name)

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Address)

Approved as to form and legality:

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
FDEP Attorney                      Date

\_\_\_\_\_  
(Telephone)

BY: **{In the case of more than one PRFBSR, repeat the information above.}**

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

\_\_\_\_\_  
Clerk (or Deputy Clerk)

Date : \_\_\_\_\_

CC: Carrie L. Kruchell, P.G., FDEP Brownfields Program Manager, Brownfields & CERCLA Administration  
\_\_\_\_\_ FDEP (Name of District) District, Brownfields Coordinator  
Justin Cross, GAI, FDEP Brownfields & CERCLA Administration  
Megan Johnson, ESIII, FDEP Brownfields & CERCLA Administration  
FDEP Brownfields Program Attorney