



# Broward County

## Legislation Details (With Text)

**File #:** 20-814      **Version:** 1

**Status:** Agenda Ready

**In control:** Public Works and Environmental Services - Environmental Permitting Division

**On agenda:** 5/19/2020      **Final action:** 5/19/2020

**Title:** MOTION TO APPROVE Delegation Agreement between the State of Florida Department of Environmental Protection and Broward County to provide for continued management of the Brownfield Redevelopment Program, including Brownfield contamination cleanups, within Broward County, effective for ten years from date of execution, and to authorize the Mayor and Clerk to execute same.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Agreement Summary, 2. Exhibit 2 - Broward Brownfield Agreement 2020

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Henry A. Sniezek

**Department:** Environmental Protection

**Division:** Environmental Engineering & Permitting

### Information

#### Requested Action

MOTION TO APPROVE Delegation Agreement between the State of Florida Department of Environmental Protection and Broward County to provide for continued management of the Brownfield Redevelopment Program, including Brownfield contamination cleanups, within Broward County, effective for ten years from date of execution, and to authorize the Mayor and Clerk to execute same.

#### Why Action is Necessary

In accordance with Section 125.01(1)p, Florida Statutes authorizes the Board to enter into agreements with other governmental agencies. Board action is required for Agreement approval to accept the delegated authority and administer the Brownfield Program.

#### What Action Accomplishes

This action will replace the current Delegation Agreement, which expires May 25, 2020.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

N/A

#### Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

This item supports the County's value of "Encouraging investments in renewable energy, sustainable practices and environmental protection" and Goal 1: "Seek funding for, implement policies, and pursue projects promoting the use of alternative energies and sustainable practices." Brownfields are properties where expansion, redevelopment, or reuse may be complicated by actual or perceived environmental contamination. Local governments have the authority to designate Brownfield Areas; there are currently 40 Brownfield Areas, spanning 6,982 acres, in Broward County. This delegation agreement permits EEPD to execute Brownfield Site Rehabilitation Agreements for properties within a Brownfield Area in order to clean up contamination and allow responsible parties access to Voluntary Cleanup Tax Credits and other economic incentives related to redevelopment.

On May 25, 2010 (Agenda Item 44), the Board approved the current delegation agreement, which expires on May 25, 2020; accordingly, a new Delegation Agreement is required for Broward County to continue oversight of the Brownfield Program. The new Delegation Agreement will be effective for ten years from the date of execution.

This agreement was approved as to form by the Office of the County Attorney. The FDEP will execute this agreement subsequent to execution by the County. The FDEP delegation agreement form does not include the County's standard terms and conditions. The Agreement provides for a 60-day termination by either party through the FDEP Secretary or the County Administrator. Because the County has a local pollution control program designation, the FDEP's termination is also subject to the provisions of Section 403.182, F.S., requiring the County have an opportunity to be noticed of any deficiencies and the opportunity to cure.

#### **Source of Additional Information**

Sermin Turegun, Director, Environmental Engineering and Permitting Division, (954) 519-1460

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

No cost to the County. The minimal Brownfield Program-related costs are offset by license fees associated with the Brownfield cleanups that are performed pursuant to executed Brownfield Site Rehabilitation Agreements.