



Broward County

Legislation Details (With Text)

File #: 19-580 **Version:** 1

Status: Agenda Ready

In control: PORT EVERGLADES DEPARTMENT

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

Title: MOTION TO APPROVE Memorandum of Agreement between Broward County and the Division of Waste Management, Florida Department of Environmental Protection, for Remediation with Controls for petroleum contamination within the Common Area Site at Port Everglades pursuant to Sections 403.061(21), 376.30701, and 376.3071, Florida Statutes, and Chapters 62-780 and 62-777 of the Florida Administrative Code; and authorize the Mayor and Clerk to execute same.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Agreement Summary, 2. Exhibit 2 - FDEP MOA, 3. Exhibit 3 - Common Area Site

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

Director's Name: Glenn Wiltshire (Acting Director)

Department: Port Everglades **Division:** Director's Office

Information

Requested Action

MOTION TO APPROVE Memorandum of Agreement between Broward County and the Division of Waste Management, Florida Department of Environmental Protection, for Remediation with Controls for petroleum contamination within the Common Area Site at Port Everglades pursuant to Sections 403.061(21), 376.30701, and 376.3071, Florida Statutes, and Chapters 62-780 and 62-777 of the Florida Administrative Code; and authorize the Mayor and Clerk to execute same.

Why Action is Necessary

Broward County Board of County Commissioners approval is required.

What Action Accomplishes

Approves a Memorandum of Agreement for remediation with controls for the Common Area Site located within the Port Everglades Jurisdictional Area.

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Encouraging investments in renewable energy, sustainable practices and environmental protection."

This action is to approve a Memorandum of Agreement ("MOA") between Broward County and the Division of Waste Management, Florida Department of Environmental Protection ("FDEP") for Remediation with Institutional and Engineering Controls for the Common Area Site within Port Everglades.

Petroleum transfer operations have been conducted at Port Everglades continuously since the 1930s. These operations have and continue to be performed in the locations referred to as the "Common Area Site" in the MOA (see Exhibit 3). Petroleum contamination currently exists within the Common Area Site and is documented in the FDEP's electronic record management system. Site assessments by FDEP have determined that Institutional Controls and Engineering Controls are appropriate within the Common Area Site. Under this MOA, the County or other Persons Responsible for Site Rehabilitation may expeditiously complete contamination site assessment, remediation, and monitoring, and also eliminate or minimize exposure to contaminants.

Assessment and source removal of the contaminated areas has been conducted by the FDEP under the oversight of Port Everglades Department staff and the Port Everglades Environmental Corporation ("PEECO") since 1990. Under the provisions of the Florida Administrative Code, Chapter 62-780, recent site assessments conducted by FDEP have determined that source removal in conjunction with Institutional Controls and Engineering Controls to eliminate or minimize exposure to contamination within the Common Area Site will effectively protect human health and the environment.

Per the notification from the Port Everglades Department Director to the Board on January 10, 2020, notice regarding the proposed MOA between Broward County and the FDEP was sent via certified mail by the FDEP to owners having an interest in the affected properties based on a title search. All return receipts were received by March 16, 2020 beginning a 30-day comment period. As no concerns were raised during this period, the Port Everglades Department is submitting the proposed MOA to the Board for its approval.

The MOA has been developed in coordination with the County's Environmental Protection and Growth Management Department and the Office of the County Attorney. The proposed MOA is modeled after the MOA with the FDEP previously approved by the Board on June 9, 2015 for Fort Lauderdale-Hollywood International Airport (Item No. 41) and includes provisions from FDEP's standard form agreement. The MOA has been reviewed and approved as to form by the Office of the County Attorney. Agreements with FDEP are executed by the County prior to the State's execution.

Source of Additional Information

Glenn A. Wiltshire, Acting Port Director, Port Everglades Department, (954) 468-3504

Neil J. Kutchera, Assistant Port Director, Petroleum, Port Everglades Department, (954) 468-3520

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact associated with this Board action. Funding for any remediation projects covered by the MOA will be provided by FDEP, PEECO, or the responsible petroleum terminal operator.