

[Insert Date]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[SITES ELIGIBLE FOR THE DRYCLEANING SOLVENT CLEANUP PROGRAM ARE NOT REQUIRED TO CONDUCT SITE REHABILITATION AND SHOULD NOT BE SENT THIS LETTER.]

(Name)
(Address)

Re: (Name of the site)
(Address of the site)
FDEP Project #

Dear :

The State of Florida Department of Environmental Protection ("Department") possesses information that indicates drycleaning solvents may have been released or discharged into the environment at _____ [*Physical location of the contaminated site*] ("site"). Through the authority granted by Sections 376.3078(4) and 403.061, Florida Statutes ("F.S."), the Department adopted Chapter 62-782, Florida Administrative Code ("F.A.C."), establishing specific procedures and time schedules for the assessment and remediation of sites contaminated with drycleaning solvents. All persons who have legal responsibility for rehabilitation of these contaminated sites, pursuant to Chapters 376 or 403, F.S., are required to comply with the provisions of Chapter 62-782, F.A.C., and are subject to enforcement to compel such compliance.

In accordance with the requirements of this chapter, [*Insert Corporate Entity or you if an individual*], as a potential person responsible for rehabilitation of a site contaminated with drycleaning solvents, [*is/are*] required by Chapter 62-782, F.A.C., to initiate a site assessment within 60 days of discovery of the contamination and to submit a site assessment report to the Department within 270 days of discovery of the contamination.

[*Use this paragraph if dealing with a Real Property Owner who is not also, and has never been, the Drycleaning Facility Owner and/or Operator*] As a real property owner of a site contaminated with drycleaning solvents, [*Insert Corporate Entity*

or you *if an individual*] may be eligible to enter into a Voluntary Cleanup Agreement pursuant to Section 376.3078(11), F.S. Conducting timely site rehabilitation in accordance with Chapter 62-782, F.A.C., under a Voluntary Cleanup Agreement may provide statutory immunity from “claims of any person, for property damages of any kind, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of property or improvements; or stigma to real property or improvements caused by drycleaning-solvent contamination or be subject to any administrative or judicial action brought by or on behalf of any person, state or local government, or agency thereof to compel or enjoin site rehabilitation or pay the cost of rehabilitation of environmental contamination, and to pay any fines or penalties regarding rehabilitation,” pursuant to Section 376.3078(11), F.S. [*Insert Corporate Entity or you if an individual*] may also be eligible to receive Voluntary Cleanup Tax Credits for a percentage of the costs of voluntary cleanup activity that is integral to site rehabilitation pursuant to Section 376.30781, F.S., and Chapter 62-788, F.A.C. For more information on Voluntary Cleanup Agreements and the Voluntary Cleanup Tax Credit Program, visit our website at <http://www.dep.state.fl.us/waste/categories/vctc/default.htm>.

[Use this paragraph if dealing with a Real Property Owner who is or has also been the Drycleaning Facility Owner and/or Operator] As a real property owner of a site contaminated with drycleaning solvents, [*Insert Corporate Entity or you if an individual*] may be eligible to enter into a Voluntary Cleanup Agreement pursuant to Section 376.3078(11), F.S. Conducting timely site rehabilitation in accordance with Chapter 62-782, F.A.C., under a Voluntary Cleanup Agreement may provide statutory immunity from “claims of any person, for property damages of any kind, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of property or improvements; or stigma to real property or improvements caused by drycleaning-solvent contamination or be subject to any administrative or judicial action brought by or on behalf of any person, state or local government, or agency thereof to compel or enjoin site rehabilitation or pay the cost of rehabilitation of environmental contamination, and to pay any fines or penalties regarding rehabilitation,” pursuant to Section 376.3078(11), F.S. For more information on Voluntary Cleanup Agreements, visit our website at <http://www.dep.state.fl.us/waste/categories/vctc/default.htm>.

[If the party is not a Real Property Owner and is or was the Drycleaning Facility Owner and/or Operator, then they are liable for cleanup, but they are not eligible for Voluntary Cleanup Agreements, Voluntary Cleanup Tax Credits, or statutory immunity, so neither of the above two paragraphs should be included.]

A review of the Department's files does not reflect receipt of _____ [*Specific 782 deliverable*], as specifically required by _____ [*Cite specific 782 requirement*]. If the Department concludes [*Insert Corporate Entity or you if an individual*] [*is/are*] a responsible party for site rehabilitation, requiring [*Insert Corporate Entity or you if an individual*] to comply with the obligations of Chapter 62-782, F.A.C., then failure to submit the _____ [*Specific 782 deliverable*] by _____ [*Date*] may subject [*Insert Corporate Entity or you if an individual*] to a formal enforcement action to compel such compliance. It is the Department's intention to initiate formal enforcement against responsible parties that do not comply with the requirements of Chapter 62-782, F.A.C. If you have any questions regarding the Chapter 62-782, F.A.C., requirements outlined above, please contact [*District case manager*].

DISTRICT SIGNATURE LINE

cc: Jack Chisolm, OGC
RPO