

BCC Mtg. Date: March 15, 2016

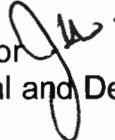


Interoffice Memorandum

AGENDA ITEM

February 18, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
407-836-1405**

SUBJECT: March 15, 2016 – Consent Item
Petroleum Restoration Program Delegation from the Florida
Department of Environmental Protection

The Florida Department of Environmental Protection (FDEP) has requested that Orange County expand its oversight of the Petroleum Restoration Program (PRP) to Lake County. This program is currently administered by the Environmental Protection Division (EPD) in Orange, Osceola and Seminole counties based on a delegation from FDEP. The program is fully funded by the State through an annual task assignment (TA) to EPD in accordance with a grant agreement.

The main purpose of this program is to prevent petroleum contamination of valuable groundwater resources that supply the vast majority of Florida's drinking water. Relatively small amounts of petroleum can contaminate a large amount of groundwater, which can be very expensive and difficult to clean up.

The PRP in Lake County is currently overseen by FDEP, which has recently decided that Orange County can more effectively oversee petroleum restoration sites in Lake County. Orange County has effectively and efficiently managed the PRP within Orange County since 1989, Seminole County since July 2012 and Osceola County since 2014. Being selected to provide services in another adjoining county is a strong vote of confidence in Orange County's program.

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The existing grant agreement with FDEP expires on June 30, 2016. The grant agreement and current TA will need to be amended if the BCC approves the expansion of services to Lake County. The expansion to an adjacent county will increase EPD's workload. However, by filling one vacant position that is currently on the manning table, EPD has determined that it would have the capacity to handle the additional responsibilities.

FDEP is offering to supplement Orange County's program with an additional \$22,206.86 per month (equivalent of \$266,482.32 per year) to cover any additional costs for managing 70 Lake County sites. Based on a financial analysis conducted by CEDS, Fiscal and Operational Support Division in collaboration with EPD, we believe that the current TA funding plus the additional proposed amount is sufficient to cover the cost of site management duties for Lake County that FDEP has proposed as part of an amended TA for state FY 2015/16.

This amendment has been reviewed by the County Attorney's Office. The amended grant agreement and associated task assignments will cover the full cost of the program and will not require County general revenue funds.

ACTION REQUESTED: Approval and execution of DEP Agreement No. S0484 Amendment No. 4 between the State of Florida Department of Environmental Protection (FDEP) and Orange County, Florida for the Petroleum Restoration Program to expand Orange County's area of responsibility under the program to include Lake County. Program to be fully funded by FDEP. All Districts

JVW/LC: mg

Attachments

BCC Mtg. Date: March 15, 2016

DEP AGREEMENT NO. S0484
AMENDMENT NO. 4

THE AGREEMENT as entered into on the 23rd day of December, 2009, amended on the 29th day of June, 2012, on the 4th day of August, 2014, and on the 30th of June 2015, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department" or "DEP") and ORANGE COUNTY FLORIDA, a charter county and political subdivision of the State of Florida (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Department is in need of petroleum contamination site cleanup related services in Lake County and the Grantee has agreed to provide the services; and,

WHEREAS, other changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

- Effective July 1, 2015, the Grantee shall perform petroleum contamination site cleanup related services in Orange, Seminole, Osceola and Lake Counties.
- The first sentence of Paragraph I.1. is hereby revised to add Lake County to the list of counties the Grantee has been retained to perform local government petroleum contamination site cleanup program services in.
- Paragraph I.5. is revised to add Lake County to the list of counties in which all petroleum contamination site cleanup work must follow all rules and procedures established by the Department's Petroleum Restoration Program.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor
Date: 3.15.16

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *[Signature]*
Secretary or Designee

Date: 3/24/16

[Signature]
Susan Fields, DEP Grant Manager

[Signature]
DEP Grants Administrator

Approved as to form and legality:

[Signature]
DEP Attorney

For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.