



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

June 26, 2014

**CERTIFIED MAIL #7013 1710 0002 1762 7182**  
**RETURN RECEIPT REQUESTED**

Mr. David Bass, Assistant City Attorney  
City of Orlando  
Orlando City Hall  
400 South Orange Avenue  
Orlando, FL 32801

Subject: Conditional Site Rehabilitation Completion Order  
Orlando City-Iron Bridge Sewage Treatment Plant  
645 Iron Bridge Circle  
Oviedo, Seminole County  
FDEP Facility ID# 598520640  
Discharge Date: August 14, 2004 (Non-program)  
Discharge Score: 30

Dear Mr. Bass:

The Orange County Environmental Protection Division (OCEPD), on behalf of the Florida Department of Environmental Protection (Department), has reviewed the Site Assessment Report (SAR) and No Further Action Proposal (NFAP) with Conditions dated April 21, 2008 (received July 14, 2008), prepared and submitted by Professional Service Industries, Inc. for the petroleum product discharge referenced above. Documentation submitted with the SAR/NFAP confirms that criteria set forth in Subsection 62-780.680(2), Florida Administrative Code (F.A.C.), have been met. Please refer to the attached maps of the source property and analytical summary tables. The SAR/NFAP is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). A declaration of restrictive covenant has been recorded with the deed for this property. Therefore, you are released from any further obligation to conduct site rehabilitation at the facility for petroleum product contamination associated with the discharge referenced above, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order.

- (1) You must comply with the provisions contained within the Declaration of Restrictive Covenant filed prior to the execution of this Order (Exhibit A). If at a later date you propose to remove the institutional controls or engineering controls you must obtain prior written approval from the Department. The removal of the controls must be accompanied by the immediate resumption of site rehabilitation, or implementation of other approved controls, unless it is demonstrated to the Department that the criteria of Subsection 62-780.680(1), F.A.C., are met.
- (2) In the event concentrations of contaminants of concern are detected above the levels approved in this Order, the Department will reevaluate the contamination and reinstate State-funded site or

discharge rehabilitation to reduce concentrations of contaminants of concern to the levels approved in the Order or otherwise allowed by Chapter 62-780, F.A.C., in accordance with the State-funded eligibility provisions that are applicable for the site or discharge. This includes any confirmed impacts found to be migrating beyond the site's property boundary. If groundwater is being used for potable uses in the area affected by the contamination, the Department will take all necessary steps to protect public health, safety and welfare under Chapter 376, F.S., as necessary. If a new or subsequent discharge occurs at the facility that is not eligible for state funding, the contamination must be evaluated and addressed as provided in Chapter 62-780, F.A.C.

### Legal Issues

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for an administrative hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the SAR/NFAP you do not have to do anything. This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
  - (1) File a request for an extension of time to file a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for an administrative hearing; or
  - (2) File a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

### How to Request an Extension of Time to File a Petition for an Administrative Hearing

For good cause shown, pursuant to Subsection 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for an administrative hearing. Such a request must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from City of Orlando, shall mail a copy of the request to City of Orlando at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for an administrative hearing must be made.

### How to File a Petition for an Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from City of Orlando, shall mail a copy of the petition to City of Orlando at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsection 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for an administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the facility owner's name and address, if different from the petitioner; the FDEP facility number, and the name and address of the facility;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- (e) A 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;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) 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.

This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order. Timely filing a petition for an administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

#### Judicial Review

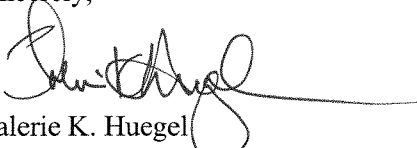
Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Department's clerk (see below).

Questions

Any questions regarding the OCEPD's review of the SAR/NFAP should be directed to Carol White at (407) 836-1492. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for an administrative hearing or a request for an extension of time to file a petition for an administrative hearing.


The FDEP Facility Number for this facility is 598520640. Please use this identification on all future correspondence with the Department or the OCEPD.

Sincerely,

  
Valerie K. Huegel  
Program Administrator  
Petroleum Restoration Program

VKH/clw

FILED AND ACKNOWLEDGMENT 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)

7-3-14  
Date

Attachments

- cc: Lynn Porter-Carlton, Deputy County Attorney, Seminole County Attorney's Office, Seminole County Services Building, 1101 E. 1st Street, Sanford, FL 32771
- ec: Bret LeRoux, FDEP Central District Office - [bret.leroux@dep.state.fl.us](mailto:bret.leroux@dep.state.fl.us)  
Carol White, OCEPD - [carol.white@ocfl.net](mailto:carol.white@ocfl.net)  
Wesley Curtis, St. Johns River Water Management District - [wcurtis@sjrwmd.com](mailto:wcurtis@sjrwmd.com)  
FDEP File



ENVIRONMENTAL PROTECTION DIVISION  
Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
800 Mercy Drive, Suite 4  
Orlando, FL 32808-7896  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

**P.G. CERTIFICATION**

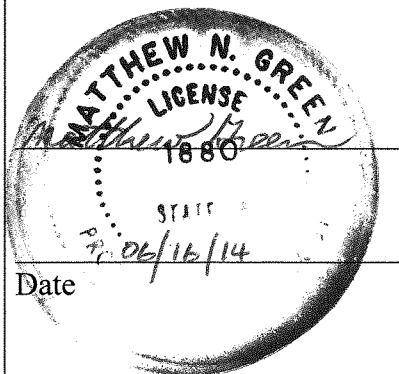
Site Assessment Report (SAR) No Further Action Proposal (NFAP) with Conditions dated April 21, 2008 (received July 14, 2008), for Orlando City-Iron Bridge Sewage Treatment Plant, located at 645 Iron Bridge Circle, Oviedo, FDEP Facility ID# 598520640.

I hereby certify that in my professional judgment, the components of this Site Assessment Report/No Further Action Proposal prepared for the August 14, 2004 petroleum product discharge discovered at the above-referenced facility satisfy the requirements set forth in Chapter 62-780, Florida Administrative Code (F.A.C.), and that the conclusions in this report provide reasonable assurances that the site rehabilitation objectives stated in Chapter 62-780, F.A.C., have been met.

\_\_\_ I personally completed this review.

X This review was conducted by Carol White  
working under my direct supervision.

Matthew N. Green, P.G.  
Professional Geologist # 1880  
Petroleum Cleanup Section



Date

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PROPOSED AGENCY ACTION

The Florida Department of Environmental Protection (FDEP) gives notice that it proposes to approve a No Further Action Proposal with Institutional Controls or with Engineering and Institutional Controls and issue a Site Rehabilitation Completion Order with Conditions for a contaminated site. The City of Orlando is seeking this order in reference to FDEP Site ID # 598520640 (City of Orlando's Iron Bridge Wastewater Treatment Facility, located at 645 Iron Bridge Circle in Oviedo, Seminole County, Florida), at which onsite soils in the vicinity of an underground storage tank (UST) system have been impacted by petroleum-related compounds at concentrations exceeding Chapter 62-777, Florida Administrative Code, Direct Exposure - Residential Soil Cleanup Target Levels. The City of Orlando intends to restrict human exposure to contamination by permanently covering and maintaining the contaminated area with an impermeable barrier.

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays, at the office of the Orange County Environmental Protection Division at 800 Mercy Drive, Orlando, Florida 32808.

Local governments with jurisdiction over the property subject to the Institutional Control, real property owner(s) of any property subject to the Institutional Control, and residents of any property subject to the Institutional Control have 30 days from publication of this notice to provide comments to the FDEP. Such comments must be sent to Ms. Carol White at the Orange County Environmental Protection Division at 800 Mercy Drive, Orlando, Florida 32808 (email: [carol.white@occl.net](mailto:carol.white@occl.net)).

COR1261368

11/10/2013

This instrument prepared by:  
David J. Bass, Esq.  
Assistant City Attorney  
Orlando City Hall  
400 S. Orange Ave.  
Orlando, Florida 32801  
① PD# 4990 32801-4990

MARYANNE MORSE, SEMINOLE COUNTY  
CLERK OF CIRCUIT COURT & COMPTROLLER  
BK 00260 Pgs 1326 - 1339; (14pgs)  
CLERK'S # 2014052082  
RECORDED 05/13/2014 09:17:40 AM  
RECORDING FEES 120.50  
RECORDED BY H DeVore

Seminole County Parcel Identification Numbers:

33-21-31-300-0010-0000

28-21-31-300-0140-0000

28-21-31-300-0170-0000

Space above reserved for use by records agency.

### DECLARATION OF RESTRICTIVE COVENANT

**THIS DECLARATION OF RESTRICTIVE COVENANT** (hereinafter referred to as the "Declaration") is made in the City of Orlando, County of Orange, State of Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is made and entered into by and between the **CITY OF ORLANDO, FLORIDA**, a Florida municipal corporation duly established, organized, and existing under, and by virtue of, the laws of the State of Florida (hereinafter "City"), having its principal place of business at Orlando City Hall, 400 S. Orange Ave., Orlando, Florida 32801, and **SEMINOLE COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter "County"), having its principal place of business at 1101 E. 1<sup>st</sup> Street, Sanford, Florida 32771 (hereinafter the "City" and "County" may be individually referred to as "Grantor" or collectively as "Grantors"), and the **STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION**, an executive department of the State of Florida, duly established, organized, and existing under, and by virtue of, the laws of the State of Florida, and having its principal place of business at 3900 Commonwealth Blvd., Tallahassee, Florida 32399 (hereinafter referred to as the "Grantee"). Wherever used in this Declaration, the terms "Grantor", "Grantors" and "Grantee" include any and all successors and assigns of those entities.

### **WITNESSETH**

A. Grantors are the fee simple owners of that certain real property situated in the County of Seminole, State of Florida, and located generally north of W. McCulloch Rd. and west of Alafaya Trail, and addressed as 601 Iron Bridge Circle, being comprised of approximately 260 acres, and more particularly described as follows (hereinafter referred to as the "Property"):

The Northwest 1/4 of the Southeast 1/4; the Southwest 1/4 of the Northeast 1/4; the Northwest 1/4 of the Northeast 1/4; the Northeast 1/4 of the Southwest 1/4; the Southeast 1/4 of the Northwest 1/4; the Northeast 1/4 of the Northwest 1/4; and the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

AND

The South 1/2 of the Southwest 1/4 of the Southeast 1/4; and the Southeast 1/4 of the Southwest 1/4 of Section 28, Township 21 South, Range 31 East, Seminole County, Florida.

B. The Florida Department of Environmental Protection Facility Identification Number for the Property as of the date of this Declaration is 598520640, and the Seminole County Property Appraiser's Parcel Identification Numbers for the Property as of the date of this Declaration are:

33-21-31-300-0010-0000

28-21-31-300-0140-0000

28-21-31-300-0170-0000

C. As of the date of this Declaration the Property is used by City primarily as the grounds for a regional wastewater treatment plant that is operated and primarily owned by City and is known as the "Iron Bridge Water Pollution Control Facility" (hereinafter referred to as the "Iron Bridge Facility").

D. The Iron Bridge Facility includes a number of aboveground storage tanks (hereinafter referred to in the singular as an "AST" or in the plural as "ASTs") located generally on the eastern portion of the Property and used to store diesel fuel for emergency generators.

E. On or about August 14, 2004, extreme weather conditions associated with Hurricane Charley resulted in the release of approximately 1,800 gallons of diesel fuel from the aboveground piping system associated with the ASTs (hereinafter referred to as the "Release").

F. Evaluation of the Release on the Property is documented in the following reports and correspondence (hereinafter collectively referred to as the "Environmental Reports"), each of which having been provided to the Seminole County, Florida, Department of Public Safety, Emergency Management Division, Petroleum Storage Tanks Bureau (hereinafter referred to as the "Seminole County PST Bureau"), located at the time of this Declaration at 540 W. Lake Mary Blvd., Sanford, Florida 32773:

1. *Soil and Groundwater Assessment Report*, dated December 17, 2004, prepared by Professional Service Industries, Inc. (keeping a local place of business as of the date of this Declaration at 1748 33<sup>rd</sup> St., Orlando, Florida 32839, and hereinafter referred to as "PSI") and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department (PSI's internal project number for this matter is 663-4G061); and
2. *Source Removal and Supplemental Soil and Groundwater Assessment Report*, dated March 1, 2006, prepared by PSI and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department; and
3. Letter dated October 2, 2006, from PSI Project Scientist Diane M. Green and PSI District Manager for Environmental Services Jeffrey M. Martineau,



CHMM, on behalf of City to Karen Ashton, P.E., of the Seminole County Department of Public Safety, Petroleum Cleanup Program, regarding "Response to June 5, 2006 Comment Letter"; and

4. *Supplemental Groundwater Assessment Report*, dated April 19, 2007, prepared by PSI and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department; and
5. *Groundwater Sampling Report*, dated September 24, 2007, prepared by PSI and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department; and
6. *Groundwater Sampling Report*, dated December 21, 2007, prepared by PSI and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department; and
7. *Groundwater Sampling Report*, dated April 21, 2008, prepared by PSI and submitted to the Seminole County PST Bureau on behalf of City's Public Works Department.

G. The Environmental Reports describe the nature and extent of the petroleum-related contamination associated with the Release. These reports confirm that onsite soil and groundwater in the vicinity of the ASTs have been impacted by petroleum-related compounds at concentrations exceeding Chapter 62-777, Florida Administrative Code, Soil Cleanup Target Levels (SCTLs) and Groundwater Cleanup Target Levels (GCTLs). The reports also demonstrate with more than one year of groundwater monitoring data that (1) groundwater contamination associated with the Release does not extend off the Property, (2) groundwater contamination associated with the Release is limited to the immediate vicinity of the source area, and (3) the area of groundwater contamination associated with the Release is less than ¼ acre.

H. It is the intent and purpose of the restrictions in this declaration to (1) reduce or eliminate risk to the environment caused by the Release, (2) reduce or eliminate risk to users and occupants of the Property caused by the Release, and (3) reduce or eliminate the risk that contaminants associated with the release migrate from the source area.

I. The Grantee has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter referred to as the "Order") upon the recording of this Declaration. The Grantee may unilaterally revoke the Order if the conditions contained in this Declaration or in the Order are not complied with. Additionally, in the event that concentrations of petroleum chemicals of concern associated with the Release increase above levels approved by the Order, or if a subsequent discharge occurs at the site, Grantee may require site rehabilitation to reduce concentrations of contamination to levels allowed by applicable rules. The Order relating to

Florida Department of Environmental Protection Facility Number 598520640 can be found by contacting the appropriate FDEP district office or bureau.

J. Grantors deem it desirable and in the best interest of all present and future owners of the Property that the portion of the Property described in Exhibit "A" to this Declaration (Exhibit "A" is attached hereto (Page 10) and shows the "Restricted Area") be held subject to certain restrictions and engineering controls, all of which being fully set forth hereinafter.

**NOW, THEREFORE**, to induce the Grantee to issue the Order, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the undersigned parties, Grantors hereby declare as follows:

1. The foregoing recitals are true and correct and are hereby incorporated into this Declaration.

2. Grantors hereby impose on the Restricted Area of the Property the following restrictions and obligations:

- a. There shall be no use of groundwater from the Restricted Area.
- b. There shall be no drilling for groundwater in the Restricted Area.
- c. Wells may not be installed within the Restricted Area except for monitoring wells pre-approved in writing by Grantee's Division of Waste Management, in addition to any authorizations in writing required by the Division of Water Resource Management and the Water Management Districts.
- d. There shall be no stormwater swales, stormwater detention facilities, stormwater retention facilities, or ditches within the Restricted Area.
- e. Dewatering activities are prohibited within the Restricted Area unless a plan addressing the appropriate handling, treatment, and disposal of extracted groundwater is pre-approved by Grantee's Division of Waste Management.
- f. Contaminated soil may not be excavated from the area bound by the retaining wall within the Restricted Area as shown on "Exhibit A" unless a plan addressing the appropriate handling, treatment, and disposal of excavated soil is approved by Grantee.
- g. The area of soil contamination as located on the Property within the "Restricted Area" as shown on "Exhibit A" shall be permanently covered and maintained with an impermeable material (cap) that prevents human exposure and prevents water infiltration (hereinafter referred to as "the Engineering Control"). In addition, the 8" retaining wall identified on "Exhibit A", which forms part of the Engineering Control, shall also be maintained. An

Engineering Control Maintenance Plan (ECMP) shall be maintained that includes the frequency of inspections and monitoring and the criteria for determining when the Engineering Control has failed. The ECMP is attached as "Exhibit B".

- h. Nothing herein shall limit any other legal requirement regarding the construction methods and precautions that must be taken to minimize the risk of exposure while conducting work in contaminated areas.
- i. For any dewatering activities in the Soil Contamination Area, a plan pre-approved by FDEP's Division of Waste Management must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.

3. For the purpose of monitoring the restrictions contained in this Declaration, Grantee or its respective successors and assigns are hereby granted a right of entry upon and shall have access to the Property at reasonable times and upon reasonable notice to Grantors and its successors and assigns.

4. It is the intention of Grantors that the restrictions contained in this Declaration touch and concern the Property, run with the land and with the title to the Property, and apply to and be binding upon and inure to the benefit of the Grantors and Grantee and their successors and assigns, and to any and all parties hereafter having any right, title, or interest in the Property or any part thereof. Grantee, its successors and assigns, may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate legal remedies. Any forbearance on behalf of Grantee in exercising its rights in the event of the failure of Grantors, their successors and assigns, to comply with the provisions of this Declaration shall not be deemed or construed as a waiver of Grantee's rights hereunder. This Declaration shall continue in perpetuity unless otherwise modified in writing by Grantors, their successors and assigns, and Grantee, its successors and assigns, as provided in paragraph 6 hereof. The restrictions and obligations contained in this Declaration may also be enforced in a court of proper jurisdiction by any other person, firm, corporation, or government agency that is substantially benefited by this Declaration. If the Grantors do not or will not be able to comply with any or all of the provisions of this Declaration, the Grantors shall notify the Grantee in writing within three (3) calendar days. Additionally, Grantors shall notify Grantee thirty (30) days prior to any conveyance or sale, granting or transferring the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

5. In order to ensure the perpetual nature of the restrictions in this Declaration, Grantors, their successors and assigns, shall reference the restrictions contained in this Declaration in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, the Grantors agree to notify in writing all proposed tenants of the Property of the existence and contents of this Declaration of Restrictive Covenant.

6. This Declaration is binding until a release or covenant is executed by Grantors and Grantee and is recorded in the official county land records. To receive prior approval from

Grantee to remove restrictions contained in this Declaration, cleanup target levels established pursuant to Florida Statutes and state rules must have been achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both Grantors and Grantee, or their respective successors and assigns, and must be recorded by Grantors in the official county land records.

7. If any provision of this Declaration is held to be invalid by any court of proper jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions of this Declaration. All such other provisions shall continue unimpaired and in full force and effect.

8. Grantors covenant and represent that on the date of execution of this Declaration that Grantors are seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. Grantors also covenant and warrant that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair Grantors' rights to impose the restrictive covenants described in this Declaration or that is superior to the restrictive covenant described in this Declaration.

\*\*[Remainder of this page intentionally left blank. Grantors' signature pages to follow immediately hereafter.]\*\*

**GRANTOR, CITY OF ORLANDO, FLORIDA, SIGNATURE PAGE**

ATTEST:

CITY OF ORLANDO, FLORIDA, a municipal corporation,  
organized and existing under the laws  
of the State of Florida

By: Alana Brenner  
Alana Brenner, City Clerk

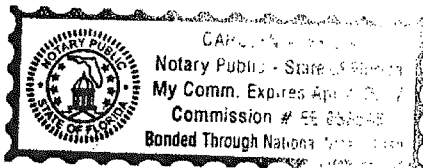
By: Samuel B. Ingo  
Mayor/ Mayor Pro Tem  
Date: 2/25/14

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing was acknowledged before me this 25 day of February, 2014  
by Samuel Ingo, Mayor Pro Tem and Alana Brenner, City Clerk, who is  
personally known to me who did (did not) take an oath.

Carolyn Skuta



Name

Notary Public

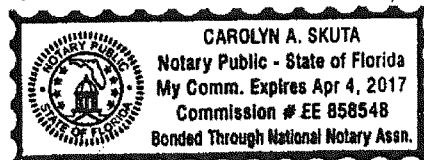
Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Approved as to form and legality for the use  
and reliance of the City of Orlando, Florida only

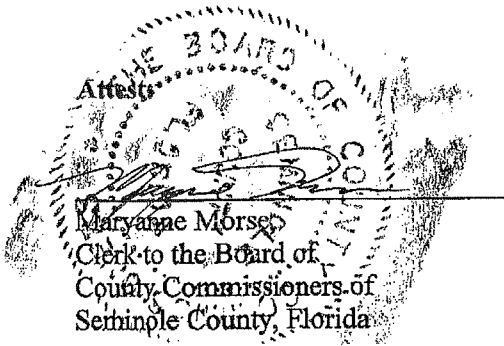
\_\_\_\_\_, 20\_\_

By: David J. Bass  
Assistant City Attorney



**GRANTOR, SEMINOLE COUNTY, FLORIDA, SIGNATURE PAGE**

IN WITNESS WHEREOF, Grantor, Seminole County, Florida, has executed this instrument as of the day and year first written hereinabove.



For the use and reliance of  
Seminole County only.

Approved as to form and  
legal sufficiency.

Lynn Porter-Carlton  
County Attorney

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA**

By: 

Robert Dallari, Chairman

As authorized for execution by the  
Board of County Commissioners  
at its March 25, 2014,  
regular meeting.

**GRANTEE, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,**  
**SIGNATURE PAGE**

IN WITNESS WHEREOF, Grantee, the Florida Department of Environmental Protection, has executed this instrument as of the day and year first written hereinabove.

Approved as to form and legality for the use and reliance of the Florida Department of Environmental Protection, only:

Mary Stewart  
\_\_\_\_\_  
Mary Stewart  
Print Name

Lawyer, DEP OGC  
\_\_\_\_\_  
Title

Florida Department of Environmental Protection, an executive department of the State of Florida:

Valerie K. Huegel  
\_\_\_\_\_  
Valerie K. Huegel  
Program Administrator  
Petroleum Restoration Program  
Division of Waste Management  
2600 Blair Stone Road  
Mail Station 4500  
Tallahassee, FL 32399-2400

Attestation:

Diane Pickett  
\_\_\_\_\_  
Diane Pickett  
Print Name

PG  
\_\_\_\_\_  
Title

STATE OF FLORIDA  
COUNTY OF Leon

The foregoing Declaration of Restrictive Covenant was acknowledged before me this 22<sup>nd</sup> day of April, 2014, by Valerie K. Huegel, as Program Administrator of the Florida Department of Environmental Protection, an executive department of the State of Florida, on behalf of the department. He/she is personally known to me.



CHERYL STAFFORD  
MY COMMISSION # EE 217763  
EXPIRES: July 18, 2016  
Bonded Thru Budget Notary Services

Cheryl Stafford  
\_\_\_\_\_

# EXHIBIT

## A

### BOUNDARY SURVEY

#### "EXHIBIT A" (Sheet 1 of 1)

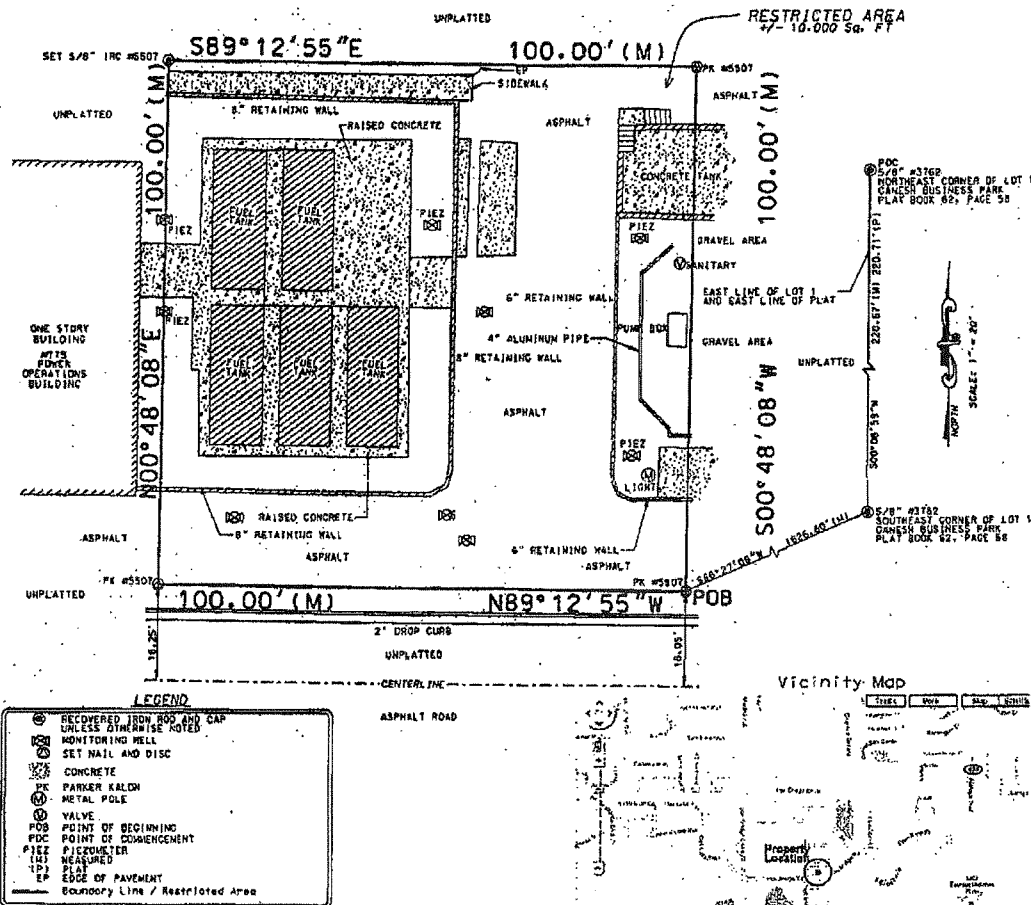
TO IRON BRIDGE DECLARATION OF RESTRICTIVE COVENANT

#### DESCRIPTION:

A PORTION OF LAND LYING WITHIN SECTION 33, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, AS BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF LOT 1, GANESH BUSINESS PARK, AS RECORDED IN PLAT BOOK 62, PAGE 58, ORANGE COUNTY, FLORIDA AND BEING A RECOVERED 5/8" REBAR AND CAP #37621 THENCE RUN S 00°08'59" W ALONG THE EAST LINE OF SAID LOT 1 AND ALSO BEING THE EAST LINE OF SAID PLAT FOR A DISTANCE OF 220.67 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE RUN S 86°27'06" W FOR A DISTANCE OF 1,626.60 FEET TO THE POINT OF BEGINNING; THENCE RUN N 89°12'55" W FOR A DISTANCE OF 100.00 FEET; THENCE RUN N 00°48'08" E FOR A DISTANCE OF 100.00 FEET; THENCE RUN S 89°12'55" E FOR A DISTANCE OF 100.00 FEET; THENCE RUN S 00°48'08" W FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,000.00 SQUARE FEET, MORE OR LESS



#### SURVEYOR'S NOTES:

- NOT RESEARCHED FOR EASEMENTS OR UNDERGROUND UTILITIES UNLESS OTHERWISE INDICATED.
- IMPROVEMENTS NOT LOCATED UNLESS THOSE SHOWN ON THE SKETCH.
- BEARINGS BASED ON THE EAST LINE OF LOT 1, GANESH BUSINESS PARK, AS RECORDED IN PLAT BOOK 62, PAGE 58, ORANGE COUNTY, FLORIDA. THE ASSIGNED BEARING BEING S 00°08'59" W.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED UNDER MY DIRECTION, AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED MINIMUM TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 61G01, F.S., NOTWITHSTANDING SECTION 476.02, FLORIDA STATUTES.

JOHN M. STOKES, JR., P.E. DATE 4/29/09  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NUMBER 5507



PREPARED BY:  
CITY OF ORLANDO  
SURVEY SERVICES

CITY OF ORLANDO  
SURVEY SERVICES  
400 S. ORANGE AVENUE  
P.O. BOX 4990  
ORLANDO, FL 32809-4990  
(407) 246-3319

DATE: DECEMBER 18, 2008 Revised 4/23/2009  
DRAWN BY: P.E.S.J./M.A. (Revision)  
FILE: 08-361F IRON BRIDGE BOUND BROW 12-18-08-DDM.DGN





RECEIVED

INITIATED

COMMENT

DUE:



2013 JUN 10 PM 3:23

RECEIVED  
FLORIDA DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION DIVISION

June 6, 2013

Ms. Carol White  
Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808

Re: Engineering Control Maintenance Plan  
City of Orlando - Iron Bridge Sewage Treatment Plant  
645 Iron Bridge Circle  
Oviedo, Seminole County, Florida  
FDEP Facility I.D. No. 59/8520640  
PSI Project Number: 0663113

Dear Ms. White:

Attached for your review, please find this Engineering Control Maintenance Plan (ECMP) for the City of Orlando (City) Iron Bridge Sewage Treatment Plant facility. Our client, the City, is seeking a restricted closure on the property.

The subject property is developed as a City-owned sewage treatment plant identified as City Iron Bridge Sewage Treatment Plant (STP). Based on the information obtained from the Seminole County Property Appraiser's (SCPA's) website and field verified, the site is located at 601 Iron Bridge Circle in Oviedo, Seminole County, Florida. It is located in Section 33, Township 21 South, Range 31 East, as referenced on the "Oviedo SW, FL" quadrangle map. Please note that based on information obtained from the Florida Department of Environmental Protection's (FDEP's) Storage Tank/Contaminated Facility (STCM) website, the site is registered at 645 Iron Bridge Circle, Oviedo, Seminole County.

#### Project Background

On August 14, 2004, due to conditions caused by Hurricane Charlie, a release of approximately 1,800 gallons of diesel fuel from the AST system piping occurred, approximately 700-800 gallons of which is believed to have been recovered immediately following the discharge. The remaining fuel is believed to have been washed down the road via a stormwater roadway drainage system into a sanitary drain that feeds its contents back into the sanitary treatment system. In addition, approximately 8 to 10 mini-dump truck loads of soil were excavated, held on-site pending pre-burn analytical data, and transported off-site to a C.A. Mayer facility in Clermont, Florida for thermal treatment in January 2005.

In October and November 2004, PSI performed soil and groundwater assessment activities to investigate the soil and groundwater conditions in the vicinity of the ASTs. It was determined that soil in the vicinity of the ASTs had been impacted by petroleum-related constituents at concentrations exceeding Chapter 62-777, Florida Administrative Code (FAC) Soil Cleanup Target Levels (SCTLs) within the containment area, and to a maximum of 10 feet to the

June 6, 2013

northeast of the containment. Additionally, groundwater concentrations of petroleum-related test parameters were detected above Chapter 62-777, FAC Groundwater Cleanup Target Levels (GCTLs), but below Natural Attenuation Default Concentrations (NADCs) in a Temporary Monitoring Well (TMW-1). No tested parameters were detected above state cleanup criteria in Monitoring Wells MW-1 through MW-3. The assessment activities were summarized in a Soil and Groundwater Assessment Report (SGAR) dated December 17, 2004 and submitted to the Seminole County Department of Public Safety (SCDPS).

Based on the SCDPS review of the SGAR, an on-site meeting was held. PSI originally recommended capping the area, and it was subsequently approved by the SCDPS as an acceptable approach. However, based upon subsequent observations in the field during the February 9, 2005 site meeting, it was agreed by all parties that it appeared that additional assessment and remediation would be required to address the incident to prevent the potential future leaching of petroleum products into the underlying groundwater.

On January 9 through 13, 2006, PSI personnel performed additional source removal activities at the subject property via excavation. A total of approximately 217 tons of excavated soil were transported off-site for disposal. Laboratory analytical results for the four confirmatory soil samples collected during the source removal activities indicated petroleum-related test parameters at concentrations exceeding their respective Chapter 62-777, FAC criteria in one of the samples (Confirmation Soil Sample CS-1, located in the northeast portion of the AST farm near Monitoring Well MW-5). Additionally, as part of the site restoration activities associated with the excavation, PSI personnel installed a 6-inch thick concrete pad within the containment wall surrounding the ASTs as an extra precaution in the event of any future product line incidents and to prevent the potential for any of the remaining petroleum-related products to leach into the on-site groundwater. Subsequent to the completion of soil excavation activities, three additional monitoring wells (MW-1R, MW-4, and MW-5) were installed at the subject property and sampled. Laboratory analytical results indicated that groundwater in the vicinity of Monitoring Well MW-5 was impacted by petroleum-related test parameters at concentrations exceeding their respective Chapter 62-777, FAC GCTLs. The additional source removal and site assessment activities were summarized in a Source Removal and Supplemental Soil and Groundwater Assessment Report (SR/SSGAR), submitted to the SCDPS on March 1, 2006. Based on the findings of the supplemental activities, PSI recommended no further assessment and that the City apply for a No Further Action (NFA) With Conditions status, which would include a deed restriction for soil and groundwater in the vicinity of the ASTs.

The SCDPS review of the report generated a requested further assessment and clarification of several items, and concurred with the site's ability to achieve a Conditional Site Rehabilitation Completion Order (CSRCO). In response to the SCDPS comments, supplemental site assessment activities were conducted in March 2007. The activities included the installation of one monitoring well (MW-6D) and the collection and analysis of groundwater samples from three monitoring wells (MW-2, MW-5, and MW-6D). The results indicated that test parameter concentrations were below the Chapter 62-777, FAC GCTLs in the wells, with the exception of Monitoring Well MW-5. Based on this, PSI recommended conducting groundwater monitoring to further evaluate the groundwater concentrations in Monitoring Well MW-5, which will aid in the decision to seek restricted closure.

Groundwater monitoring was conducted from July 2007 through March 2008. Laboratory analytical results indicated that only groundwater in the vicinity of Monitoring Well MW-5 continued to be impacted by petroleum-related test parameters at concentrations above state cleanup criteria, and the levels throughout the monitoring period remained similar. Based on these results, PSI

June 6, 2013

recommended obtaining a CSRCO for the site, and the process of obtaining the restricted closure was subsequently initiated.

Proposed Engineering Control

The subject property is still developed as a STP. The development is mostly covered with concrete and/or asphalt pavement; however, there are some green spaces. The area of the impacted soil and groundwater is located under the asphalt and/or concrete pavement and there is an approximately 8-inch retaining wall around the surrounding the area, minimizing any chance for human exposure to the soil and groundwater. The existing asphalt/concrete pavement and concrete retaining wall above the petroleum-impacted soil and groundwater provide an engineering control (EC) to minimize direct human contact to the impacted soil and groundwater. Site features are depicted on the boundary survey provided as Attachment A. This ECMP provides a plan for continued maintenance of the EC at the site in the following section.

*Exhibit*

Inspection and Maintenance Procedures

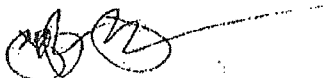
Site personnel will perform a visual inspection of the pavement and retaining wall in the area of interest on a quarterly basis. The quarterly inspection will be recorded in the City's regular maintenance database that can be accessed by City personnel at the site for as long as the deed restriction is in place. Should significant damage to the pavement or retaining wall (i.e., cracking wider than 1/4-inch, holes, etc.) be observed, the City commits to repairing the pavement or retaining wall within 30 days of identifying the damage. The repairs will be sufficient to ensure that the EC continues to operate effectively to prevent human exposure to the underlying soil and groundwater.

In the event that disturbance or removal of the pavement or retaining wall is required for maintenance purposes or a change in use of the property will result in demolition of the pavement, the City will inform the OCEPD and/or FDEP prior to undertaking such activities. The pavement and/or retaining wall will either be replaced at the end of these activities, or the remaining contaminated soils will be removed to below Chapter 62-777, FAC SCTLs.

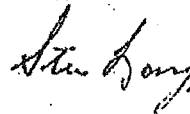
If you have any questions regarding the information contained herein, or if we can be of additional service, please contact the undersigned at (407) 304-5560.

Sincerely,

PROFESSIONAL SERVICE INDUSTRIES, INC.



Joseph C. Brown, P.E.  
Senior Engineer



Stephen P. Long, P.E., P.G.  
Chief Engineer

Attachment

cc: Mr. Dan Dashtaki - City of Orlando

JCB/SPL:ejm  
Iron bridge ECMP (Fac ID No. 598520640) - FINAL.docx



June 6, 2013

### Professional Engineer's Certification

In accordance with the provisions of Florida Statutes, Chapter 471, this **Engineering Control Maintenance Plan** has been prepared under my responsible charge and direct supervision. This work was performed in accordance with generally accepted professional engineering practices pursuant to Chapter 471 of the Florida Statutes and is in conformance with Chapter 62-770, Florida Administrative Code. The data, findings, recommendations, specifications or professional opinions were prepared solely for the use of the City of Orlando, Orange County Environmental Protection Division, and the Florida Department of Environmental Protection. PSI makes no other warranty, either expressed or implied, and is not responsible for the interpretation by others of these data.

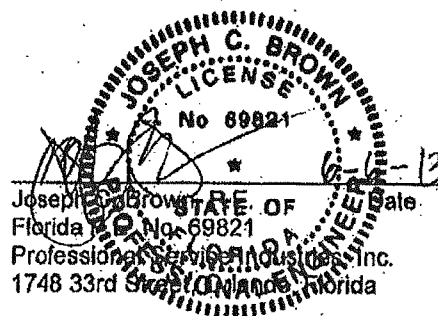
  
Joseph C. Brown  
Florida No. 69821  
Professional Services, Inc.  
1748 33rd Street, Orlando, Florida

TABLE 2

## GROUNDWATER ANALYTICAL DATA SUMMARY (Detected Parameters Only)

SITE NAME:

Iron Bridge Facility

ADDRESS:

601 Iron Bridge Circle

LOCATION:

Orlando, Orange County, Florida

PSI PROJECT NO.:

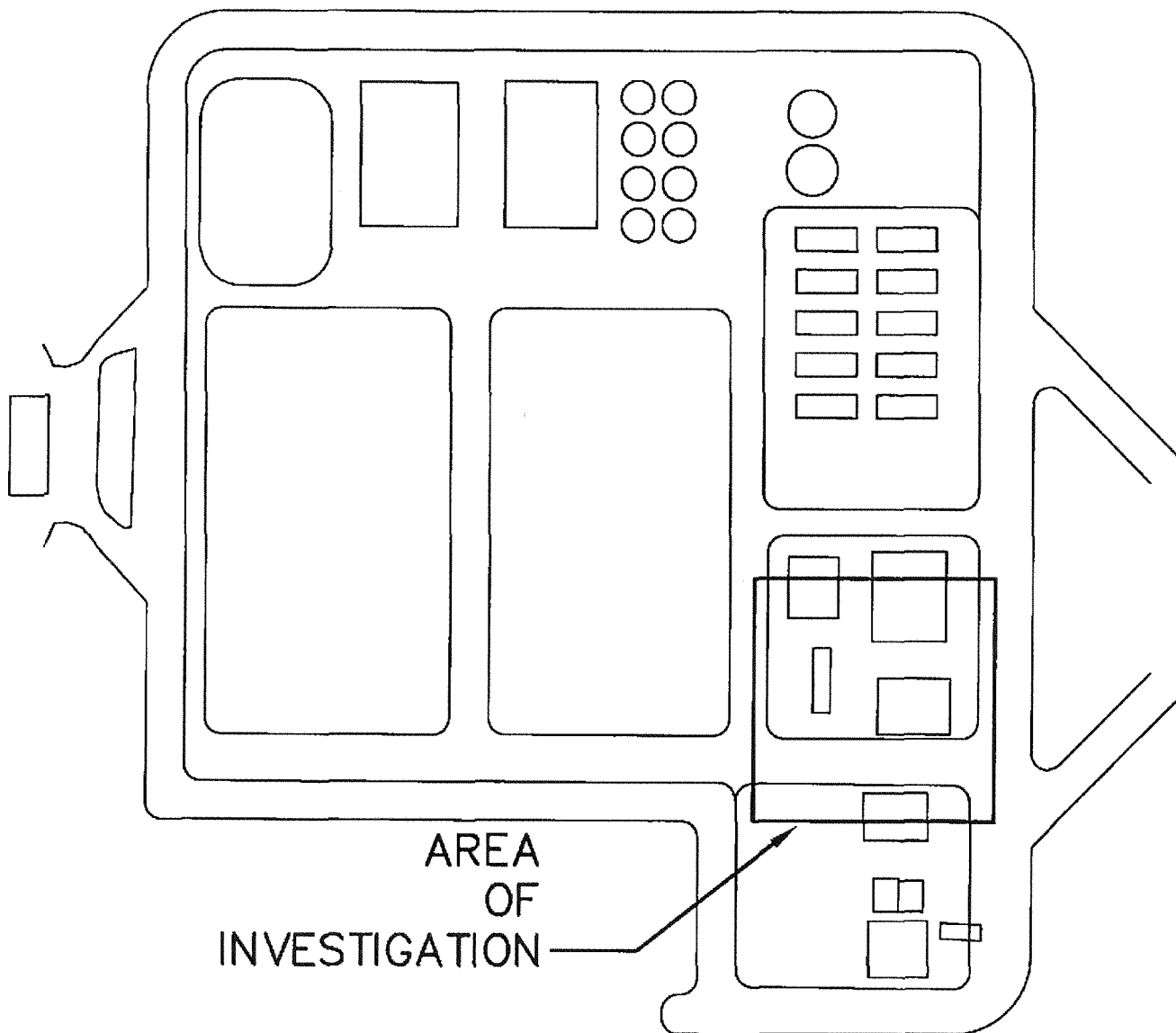
663-4G061

FAC ID #598520640

Sample Location	Sample Date	Detected Parameters														
		Benzene (µg/L)	Ethylbenzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	Naphthalene (µg/L)	2-Methylnaphthalene (µg/L)	1-Methylnaphthalene (µg/L)	Acenaphthylene (mg/L)	Acenaphthene (µg/L)	Fluorene (µg/L)	Phenanthrene (µg/L)	Fluoranthene (µg/L)	Pyrene (µg/L)	TPH (mg/L)
MW-1	10/06/04	<1.0	3.0	1.2	30	<5.0	5.6	24	23	BDL	1.7	1.6	2.1	<1.0	<1.0	1.7
MW-1	11/12/04	<1.0	<1.0	<1.0	<1.0	<5.0	<1.0	<1.0	<1.0	BDL	<1.0	<1.0	<1.0	<1.0	<1.0	<0.65
MW-1R	02/08/06	0.78 (l)	3.6	2.2	9.8	<5.0	1.2	0.092 (l)	0.25 (l)	BDL	<1.0	<1.0	<1.0	<1.0	<0.10	2.1
MW-2	07/26/07	<1.0	<1.0	0.140 (l)	<3.0	<5.0	0.128 (l)	<1.0	<1.0	BDL	<1.0	<1.0	<1.0	<1.0	<0.10	0.413 (l)
	11/12/04	<1.0	<1.0	<1.0	<1.0	<5.0	<1.0	4.4	9.1	BDL	<1.0	<1.0	<1.0	<1.0	<1.0	<0.65
	03/26/07	<1.0	<1.0	<1.0	<1.0	<5.0	<1.0	<1.0	0.320 (l)	BDL	0.235 (l)	0.0791 (l)	0.549 (l)	0.0435 (l)	0.0885 (l)	<0.65
MW-3	07/26/07	<1.0	<1.0	0.110 (l)	<3.0	<5.0	<1.0	<1.0	0.894 (l)	BDL	0.243 (l)	0.0668 (l)	0.0425 (l)	<1.0	0.0426 (l)	<0.65
	11/27/07	<0.31	<0.21	<0.28	<0.38	<3.6	<0.16	<0.19	<0.17	BDL	0.29 (l)	<0.19	<0.14	<0.11	<0.19	1.2
	03/18/08	<0.5	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.10	0.36 (l)	0.16 (l)	<0.10	<0.10	<0.10	<0.2
MW-4	11/12/04	<1.0	<1.0	<1.0	<1.0	<5.0	<1.0	<1.0	<1.0	BDL	<1.0	<1.0	<1.0	<1.0	<1.0	<0.65
	03/18/08	<0.5	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.10	<0.10	<0.10	<0.10	<0.10	<0.10	<0.2
	02/08/06	<1.0	<1.0	<1.0	<2.0	1.1 (l)	0.029 (l)	<1.0	<1.0	BDL	<1.0	<1.0	<1.0	<1.0	<0.10	0.68
MW-5	07/26/07	<1.0	<1.0	0.180 (l)	<3.0	<5.0	<1.0	<1.0	<1.0	BDL	<1.0	<1.0	<1.0	<1.0	<1.0	<0.65
	03/18/08	<0.5	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.10	<0.10	<0.10	<0.10	<0.10	<0.10	0.3 (l)
	02/08/06	2.4	62	<1.0	120	<5.0	50	22	19	BDL	0.23 (l)	0.065 (l)	<1.0	<1.0	<0.10	1.7
MW-6D	03/26/07	0.540 (l)	28.6	0.470 (l)	7.30	<5.0	31.7	15.0	11.8	BDL	0.756 (l)	0.430 (l)	0.976 (l)	0.0619 (l)	0.229	2.11
	07/26/07	0.730 (l)	25.5	0.340 (l)	1.97 (l)	<5.0	69.3	35.5	30.0	BDL	0.890 (l)	0.470 (l)	<1.0	<1.0	<0.10	2.98
	11/27/07	0.91 (l)	25	<0.28	2.0	<3.6	79	39	37	BDL	0.93 (l)	0.64	<0.14	<0.11	<0.19	2.4
MW-14	03/18/08	0.5 (l)	30	<1.0	1.2 (l)	<1.0	78	48	37	0.14 (l)	1.2	0.84	<0.10	<0.10	<0.10	1.5
	03/26/07	0.0600 (l)	0.270 (l)	0.570 (l)	<1.0	<5.0	<1.0	<1.0	<1.0	BDL	<1.0	<1.0	0.425 (l)	<1.0	0.0832 (l)	0.168 (l)
	08/23/07	<0.32	<0.32	<0.35	<0.60	<0.27	<0.049	<0.048	<0.045	BDL	<0.047	<0.049	<0.038	<0.034	<0.034	<0.048
MW-14	11/27/07	<0.31	<0.21	<0.28	<0.38	<3.6	<0.16	<0.19	<0.17	BDL	<0.16	<0.19	<0.14	<0.11	<0.19	<0.25
	03/18/08	<0.5	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.10	<0.10	<0.10	<0.10	<0.10	<0.10	<0.2
	03/18/08	<0.5	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.10	<0.10	<0.10	<0.10	<0.10	<0.10	<0.2
Chapter 62-777, FAC GCTLs		1	30	40	20	20	14	28	28	210	20	280	210	280	210	5
Chapter 62-777, FAC NADCs		100	300	400	200	200	140	280	280	2,100	200	2,800	2,100	2,800	2,100	50

## Notes:

1. µg/L = Micrograms per liter or parts per billion (ppb).
  2. mg/L = Milligrams per liter or parts per million (ppm).
  3. MTBE = Methyl tert-butyl ether.
  4. TPH = Total petroleum hydrocarbons.
  5. < = Test parameter not detected above its laboratory method detection limit (MDL).
- Bolded value indicates a concentration exceeding its respective Chapter 62-777, FAC criteria.
6. BDL = Below detection limit for historic sampling events.
  7. I = Value is between the MDL and the laboratory practical quantitation limit (PQL).
  8. FAC = Florida Administrative Code.
  9. GCTLs = Groundwater Cleanup Target Levels.
  10. NADCs = Natural Attenuation Default Concentrations.



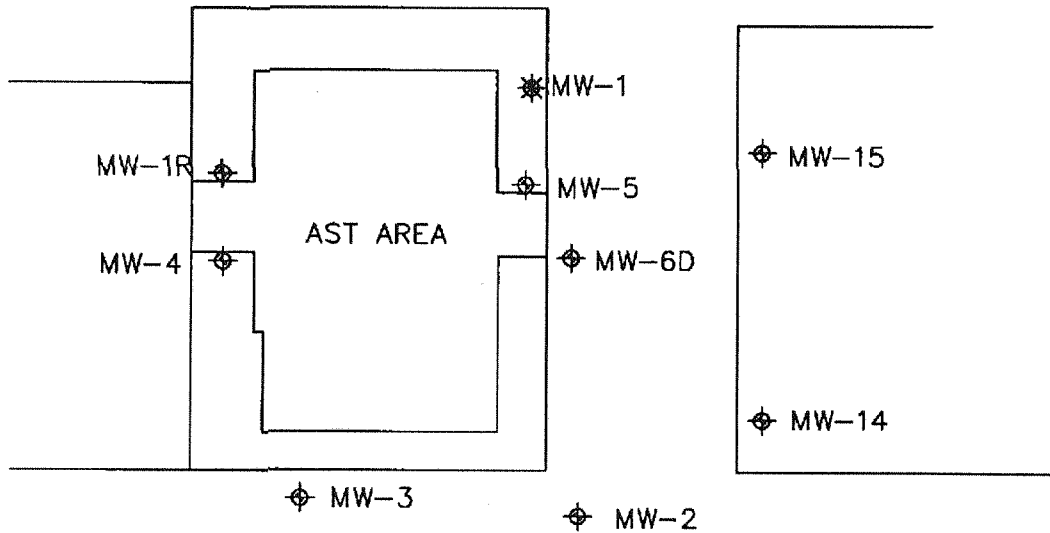
AREA  
OF  
INVESTIGATION

6634G081F2.DWG

**PSI** Information  
To Build On  
Engineering • Consulting • Testing

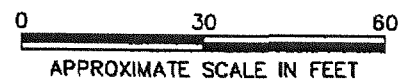
**SITE MAP**  
IRON BRIDGE TREATMENT FACILITY  
601 IRON BRIDGE CIRCLE  
OMEDO, SEMINOLE COUNTY, FLORIDA

CHKD. BY: DMG	DRAWN BY: BJB	DATE: 10/27/04	SCALE: N.T.S.	REVISION:	PROJECT NO.: 663-4G081	FIGURE NO.: 2
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### LEGEND

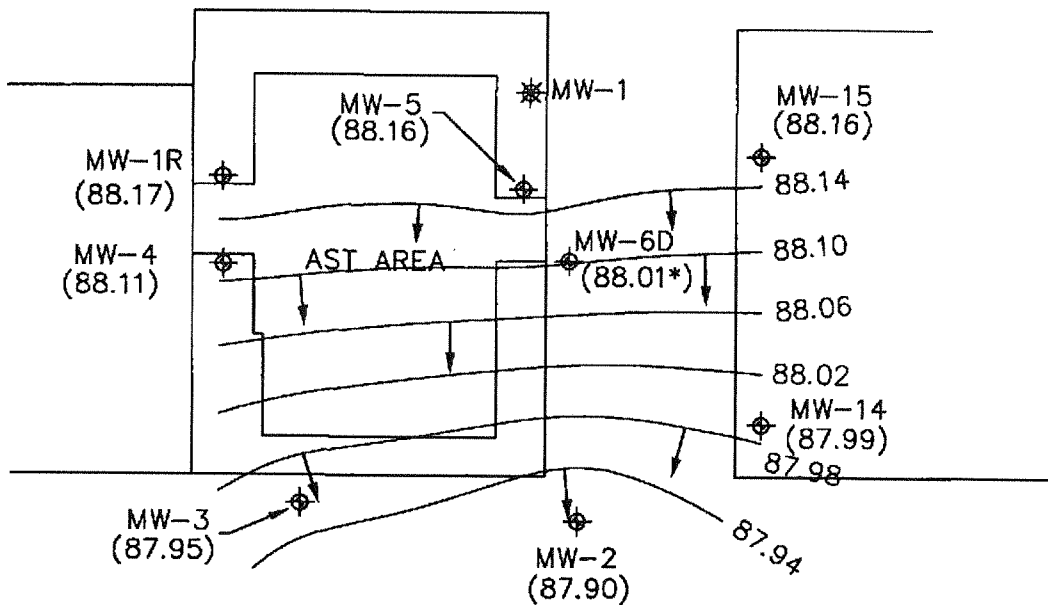
- MW-1 APPROXIMATE GROUNDWATER MONITORING WELL LOCATION  
 MW-1 DESTROYED MONITORING WELL LOCATION







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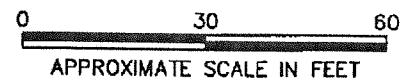
MONITORING WELL LOCATION MAP  
 IRON BRIDGE TREATMENT FACILITY  
 601 IRON BRIDGE CIRCLE  
 OVIEDO, SEMINOLE COUNTY, FLORIDA

CHKD. BY: DMG | DRAWN BY: BJB | DATE: 10/27/04 | SCALE: NOTED | REVISION: 12/06/04 | PROJECT NO.: 663-4G081 | FIGURE NO.: 3



### LEGEND

- MW-1R  APPROXIMATE GROUNDWATER MONITORING WELL LOCATION
- MW-1  DESTROYED MONITORING WELL LOCATION
- (88.14) APPROXIMATE GROUNDWATER ELEVATION IN FEET
-  ESTIMATED SHALLOW GROUNDWATER FLOW DIRECTION
-  APPROXIMATE GROUNDWATER ELEVATION CONTOUR
- \* DATA POINT NOT USED IN CONTOUR EVALUATION



**Information**  
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GROUNDWATER ELEVATION CONTOUR MAP (03/18/08)  
IRON BRIDGE TREATMENT FACILITY  
601 IRON BRIDGE CIRCLE  
OMEDCO, SEMINOLE COUNTY, FLORIDA

CHKD. BY: DMG DRAWN BY: DJW DATE: 4/14/08 SCALE: NOTED 4/14/08 PROJECT NO.: 663-4G061 FIGURE NO.: 4