

## Thomas Francis-Siburg

---

**From:** Thomas Francis-Siburg  
**Sent:** Wednesday, July 6, 2022 4:31 PM  
**To:** Scarlet Hammons  
**Cc:** Katie P. Halloran; Owen Trepanier  
**Subject:** 601 Truman - FDEP Environmental Statement  
**Attachments:** FDEP Environmental Statement-601 Truman-07.06.2022.pdf

Dear Scarlet,

Please find attached the FDEP environmental statement for 601 Truman.

Sincerely,  
Thomas

*Thomas Francis-Siburg* MSW, MURP, AICP  
Planner / Development Specialist

[Trepanier & Associates, Inc.](#)  
Land Planners & Development Consultants  
1421 First Street  
Key West, FL 33040-3648  
Ph. 305-293-8983 / Fx. 305-293-8748  
[www.owentrepanier.com](http://www.owentrepanier.com)

# MEMORANDUM

TREPANIER



& ASSOCIATES INC  
LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

**Date:** July 06, 2022  
**To:** Ms. Scarlet Hammons, Corradino Group  
**From:** Thomas Francis-Siburg  
**CC:** Ms. Katie Halloran, Planning Director  
Mr. Owen Trepanier  
**Re:** **601 Truman & 919 Simonton - Major Development Plan, Conditional Use & Variance FDEP Environmental Statement**

This is a response to the 06/13/22 Planning Department Staff Report requesting a statement from FDEP regarding redevelopment of the property.

The project's environmental consultant, Mr. John Baeringer of Premium Environmental Consultants, LLC, coordinated with the FDEP Site Manager, Rafael Maldonado and FDEP Team 6 Petroleum Restoration Program Manager, Joel Johnson regarding the proposed redevelopment.

## Proposed Redevelopment Plan

### Phase I

1. Adaptively reuse the existing building as a restaurant;
2. Minimize penetrations to the impervious surface to prevent water infiltration until contamination levels meet Chapter 62-777 Contaminant Cleanup Target Levels; and
3. Install impermeable membrane (FDEP-approved) over penetration areas to eliminate contamination spread.

### Phase II

1. Remove abandoned fuel tanks;
2. Minimize penetrations to the impervious surface to prevent water infiltration until contamination levels meet Chapter 62-777 Contaminant Cleanup Target Levels;
3. Install impermeable membrane (FDEP-approved) over necessary penetration areas to prevent water infiltration; and
4. Install impermeable membrane (FDEP-approved) under the proposed two-story building (commercial on first floor, residential on second floor).

FDEP Team 6 Petroleum Restoration Program Manager, Joel Johnson provided the following statement<sup>1</sup>:

"[Abandoned Tank Restoration Program] does not prevent a property owner from developing their property but they must take appropriate measures for encountering contaminated soils or groundwater as discussed in the information sheet. Avoiding the contamination, if logistically feasible, is one way to deal with it."

<sup>1</sup> Statement Attached.

## Thomas Francis-Siburg

---

**Subject:** RE: Moped Hospital 44/8841232 - Property Owner Question about site re-development-ATRP eligibility-site score 9

---

**From:** Johnson, Joel <Joel.Johnson@wsp.com>  
**Sent:** Tuesday, July 5, 2022 12:11 PM  
**To:** John Baeringer <jbaeringer@pecfla.com>  
**Cc:** Maldonado, Rafael <Rafael.Maldonado@wsp.com>; Thomas Francis-Siburg <thomas@owentrepanier.com>; Marius Venter <mariusventer37@gmail.com>  
**Subject:** RE: Moped Hospital 44/8841232 - Property Owner Question about site re-development-ATRP eligibility-site score 9

John,

I have attached the Abandoned Tank Restoration Program information sheet for the property owner's convenience. The last paragraph of the Information Sheet addresses a property owner's responsibilities if redeveloping or performing construction on a property with petroleum contamination that is eligible for state funding. Eligibility in ATRP does not prevent a property owner from developing their property but they must take appropriate measures for encountering contaminated soils or groundwater as discussed in the information sheet. Avoiding the contamination, if logistically feasible, is one way to deal with it. Site specific concerns regarding the potential impact of property development on the cleanup of the existing petroleum contamination at this site can be discussed with our site manager.

**Joel Johnson**  
Lead Consultant / Team 6 Contract Manager

WSP USA



Email: [joel.johnson@wsp.com](mailto:joel.johnson@wsp.com)  
Direct Line: 850-629-3906  
Main Line: 850-877-1133

WSP USA  
2002 Old St. Augustine Rd, Suite B10  
Tallahassee, FL 32301

[wsp.com](http://wsp.com)

---

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

-LAEmHhHzdJzBITWfa4Hgs7pbKl

## Abandon Tank Restoration Program Information Sheet

Below is general information about the **Abandon Tank Restoration Program (ATRP)**; for more information about this eligibility program or the Inland Protection Trust Fund (IPTF) see Subsection 376.305(6), Florida Statutes (F.S.) and Section 376.3071, F.S., respectively. This information sheet does not address non-petroleum contamination or contamination that is not eligible for ATRP that may or may not be present on the property.

ATRP discharges are eligible for funding under the IPTF. The IPTF pays for the cleanup of the petroleum contamination on the eligible property, including restoring the property as nearly as practicable to the conditions that existed prior to the site rehabilitation activities. The IPTF also will pay for the cost of cleanup if the eligible petroleum contamination has migrated onto any nearby properties. This eligibility remains with the discharge even if title to the property is later transferred. Cleanups occur in priority order and are contingent upon appropriations from the Florida Legislature.

For an ATRP site, there is a \$500 deductible. The ATRP program does not contain a set limit on the amount of money that may be spent on the cleanup but funding is subject to the limitations of the IPTF and other State spending limitations. See Subsection 376.3071(4), F.S. However, the ATRP does not pay for the cost of cleaning up any discharges discovered after the date of the application to the ATRP or not associated with the storage tanks reported with the ATRP application, or any non-petroleum contamination; therefore, those discharges are not subject to the same protections afforded by Section 376.308, F.S.

Once funding becomes available to cleanup an ATRP discharge, the property owner will be notified and required to provide access to the property. Site rehabilitation will continue until a Site Rehabilitation Completion Order (SRCO) (with or without conditions) is issued for the discharge. At that point the State's obligation to cleanup the eligible petroleum contamination ends unless, as indicated in the SRCO, it is later discovered that the 'old' eligible petroleum contamination still exists. If the eligible contamination remains at levels that exceed the requirements contained in Chapter 62-780, Florida Administrative Code (F.A.C.), the contaminated site cleanup rule, and there are funds available to cleanup that discharge, the State will resume cleanup pursuant to the provisions of the ATRP.

There are two possible end points in the petroleum cleanup program as indicated in Rule 62-780.680, F.A.C. and Subsection 376.3071(5), F.S. At the first end point, the discharge receives a SRCO that states that it appears that the discharge meets the cleanup target levels in Chapter 62-777, F.A.C., and there are no restrictions on the use of the property. This unconditional closure is almost always the more expensive and time-consuming closure option. At the second end point, the discharge receives a SRCO with Conditions that states that it appears that the discharge meets alternative cleanup target levels (such as those set for industrial sites) and that as long as certain restrictions on the use of the property are met, additional site rehabilitation does not have to be conducted. When the remaining contamination is present in the groundwater, such restrictions on use typically include a prohibition on the use of the groundwater; when the remaining contamination is present in the soil, such conditions include the maintenance of an impervious cap such as a parking lot or building. Depending upon the current use of the property, extent of contamination and cost of cleanup, the Department may pursue this second option.

To facilitate site rehabilitation, if the real property ownership changes, the DEP should be notified in writing of the name and mailing address of the new property owner(s). Please send such notification to the Department of Environmental Protection, Petroleum Restoration Program, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400.

Because eligible petroleum contamination may remain on the property for some time before funding is available to begin site rehabilitation or until site rehabilitation is completed, property owners and their tenants are encouraged to coordinate any construction activities which require digging in the contaminated area, with the appropriate DEP District Office as well as with any remediation contractor who may be working on the property. If construction activities are planned for this property prior to the completion of the site rehabilitation, such activities must not cause further spreading of and/or exacerbate the contamination, or interfere with the remediation system (or with monitoring wells if a remediation system is not present). If any contaminated soil, groundwater or other media are removed as a result of such construction activities, it must be properly treated and/or disposed of in accordance with DEP rules. An owner/operator who exacerbates the existing contamination or does not properly dispose of any excavated contaminated media may become responsible for some portion of the cost of the site rehabilitation pursuant to the provisions in Section 376.308, F.S. For your information, there are OSHA regulations regarding worker safety on contaminated construction sites.