

EXHIBIT B

DIVISION 2. - PROPERTY TRANSACTION SITE ASSESSMENT

Sec. 13-1100. - Requirement.

~~A property transaction site assessment (PTSA) shall be submitted to the city engineer for review and approval prior to dedicating land to the city for recreational use, roadway right-of-way, or other purposes. The PTSA will require up to three (3) phases of work, as determined by the city engineer, based on the condition of the property and current and past waste management practices at the site. The PTSA shall be performed by an independent licensed professional in the State of Florida and approved by the city engineer. The level of effort involved in each of these three (3) phases shall consist of but shall not be limited to the following: a phase I assessment, a phase II assessment or a phase III assessment as provided in the following sections.~~

Sec. 13-1101. - Definitions.

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Disposal or spill site* means any structure, well, pit, pond, lagoon, impoundment, ditch landfill or other place or area, excluding ambient air or surface water, where uncontrolled oil or hazardous material has come to be located as a result of any spilling, leaking, pouring, abandoning, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or otherwise disposing of such oil or hazardous materials.~~

~~*Hazardous substances* means any substance which is defined as a hazardous substance in the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 Stat. 2767.~~

~~*Remedial response action* means the cleanup or removal of released oil or hazardous materials from the environment, such actions as may be necessarily taken in the event of the threat of release of oil or hazardous materials into the environment, the disposal of removed oil or hazardous material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health, safety, welfare or the environment, which may result from a release or threat of release.~~

Sec. 13-1102. - Phase I assessment.

~~The phase I assessment is a preliminary environmental survey and shall be mandatory for all land dedicated to the city. This phase shall consist of the following:~~

- ~~(1) Site visit to inspect the general condition of the property and surrounding areas to make a preliminary hazardous materials assessment. The site visit shall consist of but not be limited to the following:
 - ~~a. Observing general physical conditions.~~
 - ~~b. Collecting readily available materials such as environmental permits and records.~~
 - ~~c. Documenting hazardous materials stored or used at the site.~~~~

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- ~~(2) A review of regulatory permits and environmental agency files.~~
- ~~(3) Interviews with representatives of the current owner and past site owners to document past and present hazardous materials and waste management practices.~~
- ~~(4) A report to the city engineer that summarizes site observations, environmental information, and interview findings, and includes a recommendation for any additional investigations needed to fully describe site conditions (phase II and/or III).~~
- ~~(5) After reviewing the preliminary assessment report and any other information currently available, the city engineer shall determine that:
 - ~~a. The property is not a disposal or spill site, and, therefore, shall be recommended for acceptance by the city commission;~~
 - ~~b. The property is a disposal or spill site for which no further remedial response action is necessary, and, therefore, shall be recommended for acceptance by the city commission;~~
 - ~~c. The property is a disposal or spill site and further remedial response action is necessary, and, therefore, shall not be recommended for acceptance by the city commission; or~~
 - ~~d. It is unclear whether the property is a disposal or spill site, and, therefore, a phase II investigation is required before the property can be recommended for acceptance by the city commission.~~~~

~~Sec. 13-1103. - Phase II assessment.~~

~~The phase II assessment is a thorough, qualitative review of the site, based on field observations and readily available information. This phase may be required, as determined by the city engineer, after review of the phase I assessment. This phase shall consist of, but not be limited to the following:~~

- ~~(1) A review of appropriate files to investigate past or current activities at the site or surrounding properties with respect to wastewater discharge, site drainage, air emissions, and toxic substance and hazardous material handling and storage, hazardous waste treatment, disposal and spill incidents. Information sources shall consist of, but not be limited to, the following:
 - ~~a. A title search.~~
 - ~~b. Property records.~~
 - ~~c. Regulatory permits and environmental agency files.~~
 - ~~d. Other records including environmental agency records for operations on surrounding properties.~~~~
- ~~(2) A review of available current and historic aerial photographs of the site and surrounding properties to identify past activities in the area and associated significant topographic changes.~~

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- ~~(3) Inspection of the site and surrounding properties, including the interiors of any onsite buildings to determine the general condition of the property and surrounding area and identify evidence of contaminant releases to the property's soil, surface water, and ground water from spills, dumping, or burial of hazardous materials or wastes.~~
- ~~(4) Additional interviews of representatives of the past and present owners and operators.~~
- ~~(5) A written report that summarizes the observations and findings made and a recommendation for any additional investigation, including site sampling and analysis (phase III), needed to fully describe site conditions.~~
- ~~(6) After reviewing the phase II report and any other information currently available, the city engineer shall determine that:
 - ~~a. The property is not a disposal or spill site, and, therefore, shall be recommended for acceptance by the city commission;~~
 - ~~b. The property is a disposal or spill site for which no further remedial response action is necessary, and, therefore, shall be recommended for acceptance by the city commission;~~
 - ~~c. The property is a disposal or spill site and further remedial response action is necessary, and, therefore, shall not be recommended for acceptance by the city commission; or~~
 - ~~d. It is unclear whether the property is a disposal or spill site, and, therefore, a phase III investigation is required before the property can be recommended for acceptance by the city commission.~~~~

~~Sec. 13-1104. Phase III assessment.~~

~~The phase III assessment is a thorough characterization of onsite contamination. Phase III may be required by the city engineer, after review of the phase II report. This phase shall consist of, but not be limited to, the following:~~

- ~~(1) Preparation of a sampling plan and quality assurance project plan (prepared in accordance with DER Guidelines for Preparing Quality Assurance Plans, DER-QA-001/85) based on the findings of the phase II report, and submitted for approval by the city engineer.~~
- ~~(2) Sampling of air, soil, surface water, and/or ground water for appropriate chemical characterization in accordance with the phase III sampling plan and quality assurance project plan.~~
- ~~(3) Analysis of air, soil, surface water, and/or ground water samples by a laboratory approved by the Florida Department of Environmental Regulation (DER).~~
- ~~(4) A written report that shall consist of, but not be limited to, the following:
 - ~~a. Descriptions of all sampling procedures.~~~~

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- ~~b. Testing protocols.~~
 - ~~c. Analytical results.~~
 - ~~d. Conclusions and recommendations.~~
 - ~~e. Scope of remedial actions, if significant environmental contamination is identified at the site.~~
- ~~(5) After reviewing the phase III report and any other information currently available, the city engineer shall determine that:~~
- ~~a. The property is not a disposal or spill site, and, therefore, shall be recommended for acceptance by the city commission;~~
 - ~~b. The property is a disposal or spill site for which no further remedial response action is necessary, and, therefore, shall be recommended for acceptance by the city commission; or~~
 - ~~c. The property is a disposal or spill site and further remedial response action is necessary, and, therefore, shall not be recommended for acceptance by the city commission.~~
- ~~(6) Based on the findings of the PTSA, the city engineer shall consider the following factors in recommending the acceptance of property by the city:~~
- ~~a. The type, complexity, and extent of the release of oil, petroleum fuel, or any hazardous material at or from the property.~~
 - ~~b. The potential routes and magnitude of exposure of human or environmental receptors to oil, petroleum fuel, or any hazardous material at or from the property.~~
 - ~~c. The likely type, complexity, and approximate cost of the remedial response alternatives available to address conditions at the property.~~
 - ~~d. Any other factors that are specific to the property and which the city determines to be relevant.~~
- ~~(7) If contamination is identified during the PTSA, it shall be the responsibility of the property owner to provide written notification to DER and the Broward County Office of Natural Resource Protection (ONRP) within thirty (30) days.~~