

STATE BOARD OF EDUCATION
Consent Item
July 14, 2021

SUBJECT: Restrictive Covenant, Florida School for the Deaf and the Blind

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

N/A

EXECUTIVE SUMMARY

On March 15, 2021, counsel for the Florida School for the Deaf and the Blind (FSDB) notified the Department of a groundwater contamination issue on the FSDB campus, which, thanks to efforts of both FSDB and the Florida Department of Environmental Protection (DEP), has been remediated and does not constitute a threat to students or staff. In final resolution of the issue, FSDB and DEP have requested that the Board of Education, as statutory owner of the property, execute a restrictive covenant precluding groundwater use in the area.

By way of background, in 2015, FSDB initially discovered contamination of groundwater on a portion of the campus that is used for staff parking on the opposite side of campus from dormitories and classrooms. As the party responsible for undertaking remedial action to address the contamination, FSDB undertook site assessments that found perchloroethylene, trichloroethylene, and vinyl chloride in groundwater. On DEP's order, FSDB undertook remedial action, which resulted in DEP's determination that the contaminated area was shrinking and stable, that the soil was not affected, and that remaining contamination could be remediated in a manner compliant with Chapter 62-780, Florida Administrative Code, Florida's Groundwater Cleanup Rule, if done in accordance with a restrictive covenant.

In review, execution of the restrictive covenant appears to be the most reasonable method to resolve this matter. The contamination is extremely limited, students and staff are not in danger, and the proposed restrictive covenant acts to preclude groundwater use—i.e., a well—in any future scenario. In granting its approval for this item, the Board of Education grants the Commissioner of Education authority enter into the attached covenant or one substantially similar thereto, as deemed appropriate by the Commissioner, DEP and FSDB.

Supporting Documentation Included: Proposed Restrictive Covenant

Facilitator/ Presenter: Jason D. Borntreger, Assistant General Counsel, Office of General Counsel