



**COMFORT LETTER POLICY FOR CONTAMINATED SITES REGULATED BY  
SECTION 24-11.1(2), CODE OF MIAMI-DADE COUNTY**

The following sets forth DERM's policy with respect to enforcement actions against owners of real property ("property owners") and tenants occupying real property ("tenants") with groundwater contamination that is solely the result of migration of contaminants of concern (COCs) from a source or sources outside or beyond the property boundaries of the real property ("source location").

**Applicability**

This policy is applicable if it is demonstrated to the satisfaction of DERM that all of the following criteria are met:

1. The COCs in the aquifer are present solely as the result of natural groundwater transport processes responsible for the migration of COCs onto the property from a source or sources outside or beyond the subject real property;
2. The subject real property has never been occupied by a business that utilized or stored the COCs or related contaminants (e.g., parent compounds of the COCs); otherwise, it shall be demonstrated through accepted scientific, hydrogeological, or engineering principles that the groundwater contamination is not, in whole or in part, a result of an onsite (real property) release;
3. Neither the property owner nor the tenant owns or has ever held a legal, beneficial, or equitable interest in the source location or in the activities at the source location which resulted in the presence of the COCs or related contaminants;
4. The person who caused the release of the COCs is not an agent or employee of the property owner or the tenant and was not in direct or indirect contractual relationship with the property owner or the tenant;
5. Neither the property owner nor the tenant participated in the operation or management of the activities conducted at the source location which resulted in the presence of the COCs or related contaminants;
6. Neither the property owner nor the tenant, through any act or omission, caused, contributed to, or knowingly exacerbated any release or threat of release of the COCs or related contaminants that have migrated onto the subject real property;
7. The property owner and tenant, whichever has lawful possession of the subject real property, agree to provide full cooperation, such as site access to DERM and to other parties required to conduct assessment or remediation on the subject real property; and

8. The property owner and tenant implement and maintain all required risk management measures on the subject real property that are deemed necessary to ensure protection of human health, public safety and the environment.

**Letter of DERM Enforcement Policy (Comfort Letter)**

A comfort letter, stating that DERM will not pursue full and complete site rehabilitation by the property owner or tenant, may be issued by DERM if compliance with the requirements above has been demonstrated to the satisfaction of DERM.