



# ADVANCED CLEANUP (AC)

**Dona Milinkovich**

Division of Waste Management/Petroleum Restoration Program  
Florida Department of Environmental Protection

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# AGENDA

- The Advanced Cleanup (AC) Statute.
- Individual ACs.
  - Application Review Process.
  - AC Negotiation.
  - Limited Contamination Report (LCAR) Completion.
- AC Transfer Packet.
  - LCAR Completion Management.
- Scope of Work (SOW).
- Schedule of Pay Items (SPI) Generation.
- AC Site Management.
- AC Termination.



# ADVANCED CLEANUP (AC) PROGRAM

## Chapter 376, Florida Statutes (F.S.)

- Pollutant Discharge Prevention and Removal.
- Section 30713, F.S.
- Specifically discusses:
  - Individual Advanced Cleanup.
  - Advanced Cleanup Performance Based Bundles.
  - Advanced Cleanup for Redevelopment.



# ADVANCED CLEANUP (AC) PROGRAM

## **Advanced Cleanup – AC Chapter 376 Pollutant Discharge Prevention and Removal Section 30713, F. S.**

AC Agreements are three-party agreements among the applicant (the property owner/responsible party), the Agency Term Contractor (ATC) recommended by applicant and the Department of Environmental Protection (DEP).



# ADVANCED CLEANUP (AC) PROGRAM

Three types of AC Agreements:

- Individual AC.
- Performance-Based Advanced Cleanup Bundles (PBAC): 5+ sites from same applicant.
- Advanced Cleanup for Redevelopment (ACR).



# TYPES OF ACs

| AC Type    | Application                                 | DEP Supplemental Site Assessment/LCAR Completion | Applicant Share/Savings | Purchase Order   | Total \$ Available                      |
|------------|---|--|-------------------------|------------------|---|
| Individual | Two times per year<br>May-June<br>Nov.-Dec. | Yes  | Minimum 25%             | Line Item or PBC | Up to \$25 million for all applications |
| PBAC       | Two times per year<br>May-June<br>Nov.-Dec. | Yes  | Minimum 25%             | Only PBC         | Up to \$5 million                       |
| ACR        | Open<br>Year-Round                          | No   | No Applicant Share      | Only PBC         | \$1 million per applicant per year      |



# GENERAL AC CONSIDERATIONS

## Only **Eligible** Discharges Allowed

- Cannot issue AC agreements on non-program discharges.
- Eligibility requirements must be met (caps, deductibles and co-pays).
  - Petroleum Cleanup Participation Program (PCPP) – 25% co-pay **in addition to** AC minimum 25% applicant share results in a minimum of 50% savings to the State.
- Pay attention to multiple discharges.
  - Are they co-mingled?
  - Do Purchase Order (PO) tasks need to be split in Storage Tank and Contamination Monitoring (STCM)?



# APPLICATION PROCESS

- Public opening.
- Ranked based on AC required % applicant share (minimum 25%).
- Current Site Manager (SM) informed that an AC application has been received.
- Applications reviewed for completeness.
  - Applicant (may or may not be property owner or responsible party).
  - Confirm Property Owner and Site Access Agreement.
  - Recommended ATC.
  - Proposed Course of Action.
  - 3 Party Agreement. Change of Owner, New Access Agreement, Change of Applicant or Change ATC.





# APPLICATION PROCESS

- Technical Reviewers are assigned in Tallahassee and may include current site manager.
- Technical review includes:
  - Reviewer presents site to the AC Working Group (ACWG).
  - ACWG completes technical review.
- Estimated costs are reviewed and unless DEP disagrees, the agreement uses the submitted estimated cost to closure.
  - SM controls cost and scope in purchase orders.
- Agreement negotiation letter drafted and reviewed by ACWG.
- Negotiation letter sent to applicant and ATC.
- Negotiation letter is accepted (additional negotiation if needed) by ATC and Applicant.



# APPLICATION PROCESS

- Agreement is drafted and routed for management approval.
- Agreement sent to Applicant and ATC for signatures.
- Agreement receives final execution.
- Executed agreement along with transfer packet routed to site manager.
  - If LCAR is complete, site transferred to local program site manager.
  - If LCAR Completion is required, site transferred to “interim” site manager to manage LCAR Completion.
    - Once LCAR is complete, site transferred for site management.



# TECHNICAL REVIEW

- Focus is on:
  - Delineation (horizontal and vertical).
  - Proper analysis.
  - 62-780 Florida Administrative Code (F.A.C.) timelines.
  - Offsite contamination.
  - Efficacy of proposed remedial approach.
- ACWG generates comments, concerns, recommendations for the Applicant, ATC and Site Manager.



# TECHNICAL REVIEW

- Is LCAR Completion required?
- Negotiation letter drafted for ATC & Applicant to accept — Ceiling Amount.
  - States if LCAR completion is required.
  - Includes comments, concerns, recommendations.
    - ACWG not micromanaging but letting SM and ATC know our thoughts — they want to be helpful.



# EXAMPLE NEGOTIATION LETTER COMMENTS

The ACWG recommends the following based on the application review and discussion:

- A complete (all wells) round of groundwater sampling should be performed.
- Some Organic Vapor screenings [taken using a Flame Ionization Detector (FID)] in 2000 in the smear indicated an excessively contaminated smear zone. Confirmatory screening, using a Photo-Ionization Detector (PID) should be performed into the water table in to determine the vertical limit of elevated Organic Vapor Analyzer (OVA) measurements.
- To achieve a Chapter 62-780.680, Florida Administrative Code closure, confirmatory vadose analytical samples will need to be obtained.
- Provide historical groundwater analytical data for Monitoring Well (MW) MW-17D.





# THE AC AGREEMENT

## **COSTS – ATTACHMENT A: Site Rehabilitation Cost Schedule**

### **A. Estimated Cost to Closure**

Based on information provided in the application and following negotiation with the Applicant and the Contractor, the DEP has determined the estimated cost of site assessment and remediation activities, including utility costs, as applicable, to be **\$442,647.00**. If, after completion and approval of the limited contamination assessment, it is determined that this Estimated Cost to Closure is not accurate to achieve the desired closure endpoint, DEP may consider, at its sole discretion, renegotiation of the Estimated Cost to Closure. Unless an amendment is executed no additional State funding will be provided under this Advanced Cleanup Agreement.



# THE AC AGREEMENT

## **COSTS – ATTACHMENT A: Site Rehabilitation Cost Schedule**

### **B. Applicant Share Example**

Chapter 376.30713, F.S. requires a minimum cost-sharing commitment of 25% from the Applicant. This Cost Share Commitment is applied to the 'Estimated Cost to Closure' and can be met using an Applicant commitment to pay (Cost Share), a demonstrated ATC Cost Savings to DEP or both. The Applicant offered:

- i. Applicant Cost Share = 0.0% (\$0)
- ii. ATC Cost Savings = 25.0% (\$110,661.75)
- iii. The total Cost Share Commitment ('Applicant Share') = 25.0% (\$110,661.75).



# THE AC AGREEMENT

## **COSTS – ATTACHMENT A: Site Rehabilitation Cost Schedule**

### **C. DEP Share Example**

The 'DEP Share' is the agreement funding ceiling amount equal to 75% of the 'Estimated Cost to Closure' (**\$ 331,985.25**), and represents the total DEP funding available, unless an amendment is issued to add additional funding based on findings and evaluation of the completed limited contamination site assessment, as required to reach site closure.



# THE AC AGREEMENT

## TERM OF AGREEMENT

This Agreement is effective on the date of execution by all Parties and shall remain in effect for no more than sixty (60) months following the date of execution. If the Applicant and Contractor have both satisfactorily performed under this Agreement, DEP, at its sole discretion, may extend this Agreement on the same terms and conditions for a period no longer than the original period. It is the intention of this Agreement for the Parties to achieve the closure option stipulated on Attachment A before the period of service of this Agreement expires. Not achieving the stipulated closure option may prohibit future AC Agreements involving the property presented in Paragraph 1.C and the selected Contractor. All work must be performed within the period of service of this Agreement, as well as the period of service of any related PO. Any work performed outside of this Agreement or a PO will not be compensated.



# THE AC AGREEMENT

## TERMINATION

- Most AC Agreements are for five (5) years. No work can be performed once agreement has expired.
  - Agreement allows for agreement termination date extension (at DEP's discretion).
- The PO end date cannot extend beyond the agreement expiration date.
- Agreement Termination — work will continue as a Quote Performance-Based Cleanup (QPBC) and not be available to AC ATC.

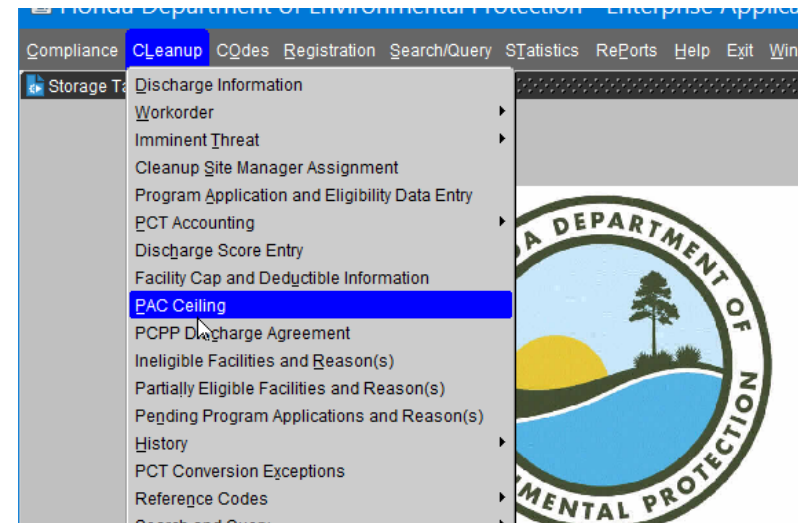
Always check the specific agreement as some changes to termination have occurred over time.





# THE AC AGREEMENT – STORAGE TANK CONTAMINATION MONITORING (STCM)

## STCM Preapproval Advanced Cleanup (PAC) page.



STCM won't let you create a Schedule of Pay Items (SPI) if this information has not been entered by the AC Coordinator.

| Storage Tank/Contamination Tracking - PCT PAC Ceilings |              |                  |                   |                        |         |            |                           |                              |                 |                 |
|--|--------------|------------------|-------------------|------------------------|---------|------------|---------------------------|------------------------------|-----------------|-----------------|
| PAC Ceilings    Hold for AC    Bundles    FY To Date   |              |                  |                   |                        |         |            |                           |                              |                 |                 |
| Pac Id*  | Facility Id* | Facility Name    | Agreement Amount* | Agmt Amt Spent To Date | Subtype | Awarded FY | Application Complete Date | Available Contingent Funding | Effective Date* | Expiration Date |
| AC550  | 9202059      | FL DENTAL CLINIC | \$436,500.00      | \$44,157.80            | AC      | 2022-2023  | 03/09/2023                | \$ .00                       | 05/15/2023      | 05/15/2028      |

Enter AC# and hit F12. Note ceiling, amount spent and expiration date.



# MANAGING THE EXECUTED AC AGREEMENT

**Management of Site then transferred to a Site Manager for LCAR Completion.**

Once the LCAR is complete the site will continue to be managed by the Site Manager.

Transfer Packet (similar with or without LCAR completion requirement):

- Executed AC Agreement.
- Accepted Negotiation Letter.
- Executed Site Access Agreement.
- Guidance on preparing the SPI based on applicant's method of meeting the required applicant share (get correct template):
  - Applicant Cost Share (actual payments made to ATC).
  - ATC Savings.
  - Combination.



# LCAR COMPLETION

- Statute requires DEP pay to complete the LCAR for “regular” Individual ACs via POs less than \$35,000.
- POs usually line-item, however PBC POs may be requested by the site manager or ATC.
- AC Applications for Bundle Sites (PBACs) or Redevelopment (ACR) must include a complete LCAR. If the LCAR is incomplete, an insufficiency letter will instruct the ATC and Applicant steps needed to complete the LCAR.
- Either the Local Program (LP) Site Manager or a Team 1 Site Manager will manage LCAR Completion.



# LCAR COMPLETION

- SM and Professional complete file review.
  - Determine what you need to complete site assessment.
  - Consider the negotiation letter.
- Discuss plans with ATC.
- Final Deliverable — LCAR Complete copy; (cc) [Dona.Milinkovich@floridadep.gov](mailto:Dona.Milinkovich@floridadep.gov).



# LCAR COMPLETION

- Issue POs less than \$35,000, only 1 PO at a time.
  - Frequently need multiple POs.
  - The AC Applicant Share applies to all POs.
  - Cost of LCAR Completion comes out of the AC Ceiling.
  - Total PO cost is less the applicant share (eligibility co-pay) plus contingency [see SPI creation guidance (included in the transfer packet)]
- Once you determine the assessment/LCAR is complete, send the templated LCAR Complete/Final Deliverable Letter (included in the transfer packet).





# AC PURCHASE ORDER

SPI associated with the AC Agreement. If you don't see a Pac ID – **Stop.**

Florida Department of Environmental Protection - Enterprise Applications

Workorder Codes RePorts Exit Window

Storage Tank/Contamination Tracking - SPI Quantities

Facility ID\* 60 8516810 APEC-TREELINE #842 DEP Cost Share\* 100.00 RP .00 SPI Quantities ID 32514

Pac ID AC558 Imminent Threat Contract Assignment Type\* SHARE

Solicitation\* SOLITICATION 2014004C-CRAD CENTRAL REGION Region CRAD ☒ RCI Excluded

SPI Status\* AA APPROVED BY ADMINISTRATOR SPI Status Date\* 04/19/2024

Description ATC COST SAVINGS = 25.0%; AC 558 LCAR COMPLETION; GROUNDWATER DE on Pending or Assigned RCI

Phase\* SA SITE ASSESSMENT SubPhase\* SA SITE ASSESSMENT Task Total based on Avg. Costs \$31,712.49

Task 1 Task Desc\* WELL INSTALLATION AND GROUNDWATER SAMPLING

Duplicate

Task Items



# AC PURCHASE ORDER

“Applicant share through **ATC cost savings** = 25.0%; **AC 558 LCAR completion**; groundwater delineation; **direct assign** to ACME Solutions (CID 9999/GC 999).” **DEP share 100%.**

“Applicant share through **Applicant cost share** = 25.0%; **AC 558 LCAR completion**; groundwater delineation; **direct assign** to ACME Solutions (CID 9999/GC 999).” **DEP share 75%.**

“Applicant share (25%) through **BOTH Applicant cost share** = 10% and **ATC cost savings** = 15.0%; **AC 558 LCAR completion**; groundwater delineation; **direct assign** to ACME Solutions (CID 9999/GC 999).” **DEP share 85%.**



# MANAGING AN AC SITE

- ATC/Applicant responsible for establishing and paying monthly utilities.
- Estimated costs included in determination of estimated cost to closure.
- Utility drop, etc. are line items (unless the PO is PBC).
- Bills covered under miscellaneous (less applicant share).



# MANAGING AN AC SITE

- PO Period of Service (POS) cannot exceed agreement expiration date.
- Be aware of changes to property ownership.
  - Cancel the AC if new owner is not interested.
  - A new site access agreement is required.
  - An Assignment of Assumption Agreement is also required.



# MANAGING AN AC SITE

- AC Amendment may be issued to extend agreement expiration date if appropriate.
  - Pay attention — request ahead of time.
  - Provide history/summary of need.
  - Typical extensions are 24 months. Special justification for longer.
  - AC Ceilings are not amended, only agreement length.
  - Out of compliance may impact work ability.
  - New discharge typically cancels the agreement.

A PO is **NOT** an AC Agreement.





# THANK YOU

**Dona Milinkovich**

Division of Waste Management

Petroleum Restoration Program

Florida Department of Environmental Protection

**Contact Information:**

850-245-8872

[Dona.Milinkovich@FloridaDEP.gov](mailto:Dona.Milinkovich@FloridaDEP.gov)