

Petroleum Restoration Program
Communication Plan for Persons Responsible for Site Remediation
June 1, 2016

The Department of Environmental Protection Values

The vision of the Department of Environmental Protection (Department) is to create strong community partnerships while protecting Florida's natural resources and enhancing ecosystems. To do so, the DEP has published five key values that are being implemented agency wide. The values include integrity, accountability, communication, innovation, and service. This Communication Plan for Persons Responsible for Site Remediation (PRSR) provides the necessary framework for the Petroleum Restoration Program (PRP) to implement the communication portion of the Department's values.

Overview

The PRP has historically relied on the clean-up contractor community to communicate with PRSR on behalf of the Department. Although the Department is ultimately responsible for administering the Inland Protection Trust Fund and the clean-up of eligible petroleum contaminated sites, the Contractor Designation Form process under the Preapproval Program (s. 376.30711, F.S.), led the contractor community to be a primary source of program information to PRSR.

In 2014, the Legislature fundamentally shifted the manner in which the Department administers the Inland Protection Trust Fund for the remediation of petroleum contaminated sites. The Preapproval Program was repealed, including the Contractor Designation Form process, and the Department was required to competitively procure clean-up contracts for site remediation under s. 287, F.S. This shift allowed the Department to take a more proactive role in all aspects of site remediation, including contractor selection.

Site Access

Communication with the PRSR starts with the Department establishing site access. Many POs/RPs of low-scored sites have not had any communication with the Department since they first received eligibility. With the implementation of the Low-Score Assessment, they are now being contacted by the Department to establish site access. The DRAFT Site Access Plan (dated March 1, 2016) outlines the steps the Department is taking to obtain site access, which begins with communication between the Department and the PRSR.

Site Management

Once the site access agreement is received by the Department it is processed and a site manager is assigned. The most preferred method of contacting the owner is by phone, but an email will suffice. If the site manager does not have the phone number or email of the owner, they are to contact the Site Access Coordinator (Grace Rivera (850)245-8882 or Grace.Rivera@dep.state.fl.us) who will assign the site to the site access team to research and locate the contact information of the owner.

The site manager is responsible for overseeing the clean-up activities of petroleum contaminated sites, from the preparation of scopes of work through site closure. To ensure PRSR are in communication with the Department throughout the entire process, site managers are, at a minimum, required to contact PRSR according to the following schedule:

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1. Site Assignment - Site managers must attempt to contact the PRSR via phone and/or email within **15 days of site manager assignment for new sites**. Site managers must provide the PRSR with their contact information and provide a general overview of the site and the Department's objectives for the assessment and remediation of the site. The site manager must inform the PRSR that the Department is responsible for mitigating the potential risk of contamination associated with the site. **Closure criteria** may also be discussed at this time. If the site is subject to a co-payment or funding cap, this information should also be discussed. If the site is subject to a deductible, the site manager must confirm that it has been paid, or review the payment plan with the PRSR.

Site managers must also explain that with the LSA:

- For PCPP sites the cost share or Limited Contamination Assessment Report are not required; and
 - PLRIP and ATRP sites the deductibles are not required to conduct the LSA, but will be collected once the site qualifies for an SRCO or SRCOC, or once the site is in funding range and work starts again.
2. Following the completion of each Purchase Order (PO) - Once the PO is complete and the deliverable has been received by the Department, the site managers must contact the PRSR to discuss the results of the last event and explain the next steps in site rehabilitation (closure criteria may also be discussed). The site manager must also complete the Contractor Performance Evaluation Form with the PRSR.
 3. Pre-RAP Phase - For sites that require remedial action, the site manager must contact the PRSR to discuss the remedial action options.
 4. At any point the site manager feels a conversation with the PRSR is necessary, then the site manager must contact them and record the conversation in the phone log.

Risk Based Corrective Action/Communicating Closure Criteria

Section 376.3071(5)(b), F.S., provides the legislative intent to protect human health and the environment under actual circumstances of exposure using the principles of Risk Based Corrective Action (RBCA-pronounced "Rebecca"). The RBCA process considers the actual risk of the contamination and the appropriate response actions. Florida statute requires the Department to consider the following when applying RBCA to petroleum contamination:

- Exposure pathway;
- Points of compliance to adequately protect human health and environment;
- Site specific cleanup goals;
- Institutional and engineering controls to eliminate potential exposure;
- Additive and synergistic effects of contaminants;
- Current and projected use of groundwater;
- Current and projected land use;
- Exposed population;
- Degree and extent of contamination;
- Rate of migration;

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- Rate of contaminant degradation;
- Plume location; and
- Potential impact to offsite properties.

Communicating the use of RBCA and site closure criteria to PRSR is critical to ensuring the IPTF is applied first towards the facilities that pose the largest threat to human health and the environment. This information may be discussed with the PO/RP at the onset of assessment; however, it is critical that it is discussed once there is enough data to determine which closure criteria applies to the facility. To ensure the appropriate information is provided to the PRSR, site managers must be familiar with and prepared to discuss the criteria for No Further Action and No Further Action with Controls as specified in Ch. 62-780.680, F.A.C.

Communication Logs and Tracking

Site managers must document their conversations with the PRSR on the attached communication log, which is a fillable form and will be uploaded into Oculus. The log must include the information the site manager provides to the owner, and the response, questions, comments the owner may have for the Department. It is important for the site manager be descriptive in the communication log so the record clearly indicates the information provided to the owner as well as the owners response. This table provides examples of sufficient and insufficient conversation details.

Sufficient Phone Log Detail	Insufficient Phone Log Detail
Phone-Left message, returned call “Discussed soil borings and well install with owner, told him to anticipate work at his site around July, owner had no questions at this time”	Email- “Emailed site owner with overview of environmental work for the site. Introduced myself and that a new scope of work is being drafted”
Email-No response Phone- “Discussed details of NAM, owner concurs”	Phone- “Discussed access agreement and e-mailed her a copy to have the owner sign”
Email – “Explained that site is LSA and will be paid for by FDEP 100% and that previous PCPP agreement would not be used. Stated that contractor would be assigned soon and that I would create a TA and send for PO ASAP. Left my contact info. Email sent at 3:33 PM” Response- “Thank you for reaching out. You can run this through me. If anything changes on our end, I will let you know. Thank You. Received: 5:13 PM; read by me on morning of 3/16/16.”	Email – “I emailed the owner to introduce myself and update him on a scope of work being reviewed for his site.”
Phone-”contacted owners son, owner passed away. Discussed LSA with son, had no questions.”	Email-No response
Phone- “Discussed closure options, owner did not agree with cond. closure”	Phone Call-No response

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Communication logs should be submitted for approval and Oculus upload after initial contact (site assignment), after each PO (should also include CPE conversation), and before remedial activities. Once the site manager has completed the communication log after each of these steps, it should be routed to the Team Leader for approval. A check box is included on the form to confirm the team leader or county team leader has reviewed it. The team leader or county team leader (or appointed person) will then upload the document into Oculus coded as follows:

Catalog - "Storage Tanks"
Profile - "Administrative"
Document type - "Meeting Related"

The document subject will reflect "PO/RP Communication Log." **Only the communication logs inserted into OCULUS with these specific criteria will be available via query for use in evaluating site managers and consultants.**

Non-Response

Site managers must make a concerted effort to make contact with owners via email or phone. In the event the owner is not responding to either email messages or phone calls, the site manager must still document all of the attempts in the communication log.

PRSR Information Meeting

In order to maintain open communication between the Department and PRSR, the Department will conduct PRSR information meetings at least once a year.

Majors Facilitator Option

The PRP Majors Facilitator Option will assign a single point of contact to PRSR that have at least 20 sites (referred to as "Majors"), or PRSR of transportation or port facilities. The facilitator does not take the place of the assigned site manager, but will assist with resolving issues that may come up during cleanup and provide support to PRSR on a more global basis. Rebecca Marx and Grant Willis are leading this program with input from team leaders. Qualifying POs/RPs will be sent a letter from the Department that explains the facilitator option, and will be given the opportunity to request a facilitator. PRSR that request a facilitator must provide the Department with a list of all eligible facilities before a facilitator will be assigned.