

## **Innocent Victim Petroleum Storage System Restoration Program** **Information Sheet**

Below is general information about the **Innocent Victim Petroleum Storage System Restoration Program (IVPSSRP)** and the Inland Protection Trust Fund (IPTF); for more information about this eligibility program see Section 376.30715, Florida Statutes (F.S.) and Section 376.3071, F.S., respectively. This information sheet does not address non-petroleum contamination or contamination that is not eligible for ATRP that may or may not be present on the property.

IVPSSRP discharges which are eligible for funding under the IPTF are part of the Abandoned Tank Restoration Program (ATRP). The IPTF pays for the cleanup of the petroleum contamination on the eligible property, including restoring the property as nearly as practicable to the conditions that existed prior to the site rehabilitation activities. The IPTF also will pay for the cost of cleanup if the eligible petroleum contamination has migrated onto any nearby properties. This eligibility remains with the discharge even if title to the property is later transferred. Cleanups occur in priority order and are contingent upon appropriations from the Florida Legislature.

There is no limit on the amount of money that can be spent on the cleanup, subject to the limitations of the IPTF and other and other State spending limitations. See Subsection 376.305(6), F.S. However, the IVPSSRP does not pay for the cost of cleaning up any contamination that is the result of the storage of petroleum after January 1, 1985, or any non- petroleum contamination; therefore, those discharges are not subject to the same protections afforded by Section 376.308, F.S.

Once funding becomes available to cleanup an IVPSSRP discharge, the property owner will be notified and required to provide access to the property. Site rehabilitation will continue until a Site Rehabilitation Completion Order (SRCO) (with or without conditions) is issued for the discharge. At that point the State's obligation to clean up the eligible petroleum contamination ends unless, as indicated in the SRCO, it is later discovered that the 'old' eligible petroleum contamination still exists. If the eligible contamination remains at levels that exceed the requirements contained in Chapter 62-780, Florida Administrative Code (F.A.C.), the contaminated site cleanup rule, and there are funds available to cleanup that discharge, the State will resume cleanup pursuant to the provisions of the ATRP.

There are two possible end points in the petroleum cleanup program as indicated in Rule 62-780.680, F.A.C. and Subsection 376.3071(5), F.S. At the first end point, the discharge receives a SRCO that states that it appears that the discharge meets the cleanup target levels in Chapter 62-777, F.A.C., and there are no restrictions on the use of the property. This unconditional closure is almost always the more expensive and time-consuming closure option. At the second end point, the discharge receives a SRCO with Conditions that states that it appears that the discharge meets alternative cleanup target levels (such as those set for industrial sites) and that as long as certain restrictions on the use of the property are met, additional site rehabilitation does not have to be conducted. When the remaining contamination is present in the groundwater, such restrictions on use typically include a prohibition on the use of the groundwater; when the remaining contamination is present in the soil, such conditions include the maintenance of an impervious cap such as a parking lot or building. Depending upon the current use of the property, extent of contamination and cost of cleanup, the Department may pursue this second option.

To facilitate site rehabilitation, if the real property ownership changes, the DEP should be notified in writing of the name and mailing address of the new property owner(s) so the Department can update the records and send the new owner the site access agreement. Please send such notification to the Department of Environmental Protection, Petroleum Restoration Program, 2600 Blair Stone Road, MS 4575, Tallahassee, Florida 32399-2400.

Because eligible petroleum contamination may remain on the property for some time before funding is available to begin site rehabilitation is completed, property owners and their tenants are encouraged to coordinate any construction activities which require digging in the contaminated area, with the appropriate DEP District Office as well as with any remediation contractor who may be working on the property. If construction activities are planned for this property prior to the completion of the site rehabilitation, such activities must not cause further spreading of and/or exacerbate the contamination or interfere with the remediation system (or with monitoring wells if a remediation system is not present). If any contaminated soil, groundwater or other media are removed as a result of such construction activities, it must be properly treated and/or disposed of in accordance with DEP rules. An owner/operator who exacerbates the existing contamination or does not properly dispose of any excavated contaminated media may become responsible for some portion of the cost of the site rehabilitation pursuant to the provisions in Section 376.308, F.S. For your information, there are OSHA regulations regarding worker safety on contaminated construction sites.