

**Florida Department of Environmental Protection  
Petroleum Restoration Program**

**Procedural and Technical Guidance for the Low-Scored Site Initiative**

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**Executive Summary**

The Florida Department of Environmental Protection (DEP) Petroleum Restoration Program (PRP) presents this procedural and technical guidance for the Low-Scored Site Initiative (LSSI) as required in Section 376.3071(12)(b), Florida Statutes (FS). The Florida Legislature has authorized the DEP to establish procedures for sites with a priority ranking score of 29 points or less to be issued a LSSI No Further Action Administrative Order (LSSI NFA)<sup>1</sup> or Site Rehabilitation Completion Order with Conditions (SRCOC) pursuant to Section 376.3071(12)(b), FS. Alternatively, the DEP may issue a Site Rehabilitation Completion Order (SRCO) or a SRCOC if the requirements of Rule 62-780.680, Florida Administrative Code (FAC) are met. This initiative is strictly voluntary, and under certain conditions, limited funding for assessment and/or limited remediation is available for sites that are eligible for state restoration assistance.

**Governing Procedures for Sites Not Receiving State Funds**

Although portions of this guidance document may be applicable to sites that are not using state funding assistance, this guidance is intended for use at sites that are eligible for and receiving state funding through the PRP. The property owner (or other responsible party where the responsible party has authorization from the property

<sup>1</sup>The NFA category listed in Rule 62-780.680, Florida Administrative Code (FAC), is not to be interpreted as the same NFA term referred to in section 376.3071(12)(b), FS. This NFA term as listed in the statute was inserted so as to differentiate between a SRCO or SRCOC as prescribed by rule and a NFA order that meets the criteria listed in the amended section 376.3071(12)(b), FS. Under the LSSI, the Department will issue either a SRCO or SRCOC as prescribed by Ch. 62-780, FAC or a LSSI NFA as prescribed by section 376.3071(12)(b), FS. The phrase "LSSI NFA" will be used throughout this document to differentiate a NFA issued pursuant to section 376.3071(12)(b), FS from a NFA issued pursuant to Rule 62-780.680, FAC.

owner) (RP) of petroleum discharges that are not receiving state funding assistance but meet the criteria specified in Section 376.3071(12)(b), FS may request a LSSI NFA evaluation through the appropriate DEP District office or Local Program (County).

### **Governing Procedures for State Funded Sites**

The DEP is authorized pursuant to Section 376.3071(12)(b), FS, to provide funding for the LSSI, a voluntary program intended to assign a SRCO, LSSI NFA, or SRCOC status to certain low-scored sites. A total of \$15,000,000 of annual funding may be used from the DEP's PRP appropriation for this activity for state funded eligible discharges. Funding for any one site is limited to no more than \$35,000 for assessment, and an additional amount of no more than \$35,000 for limited remediation if the assessment and/or limited remediation will likely result in a determination of "No Further Action". These funding caps are limited to the assessment and limited remediation phases, respectively, and funds not used for one phase may NOT be used for the other phase of work. Groundwater monitoring and/or well abandonment, if required, may be associated with the assessment or limited remediation phases, and is the only work that may draw from either funding cap. Additionally, funding is limited to a maximum of 10 sites in each fiscal year for each property owner or responsible party (meaning the person with legal responsibility for site rehabilitation pursuant to Chapters 376 and 403, which may include a facility owner or facility operator) that provides evidence of authorization from the property owner. State funded assessment and limited remediation activities shall be completed no later than 15 months after the DEP issues a work order, and, when appropriate, may be followed by up to 12 months of groundwater monitoring. The limited remediation portion of the work must be completed within 12 months of the issuance of the work order to complete the limited remediation.

All work performed within the LSSI shall be performed under DEP Quality Assurance Program SOP 001/01, Chapter 62-780, FAC, Section 376.3071, FS, procedural and technical criteria associated with the DEP, all applicable County, Water Management District, and state regulations, and any other applicable procedures that relate to the work being performed. In addition, the following statutory provisions are specific to the LSSI:

1. The LSSI statute allows a limited amount of state funds to be directed to state funded eligible discharges scored 29 points or less.
2. The LSSI statute prohibits the use of state funds for engineering controls when required, an expense which may be authorized under other state funded petroleum cleanups. However, state funds may be used for preparing a professional land survey or specific purpose survey, if such is needed, obtaining a title report, and paying recording fees.

3. The issuance of a LSSI NFA when contamination exists at a site as long as the criteria established in section 376.3071(12)(b) are met.
4. The requirement for an RP to complete a Limited Contamination Assessment Report (LCAR) and pay the Petroleum Cleanup Participation Program (PCPP) co-payment (typically 25 percent) is waived for participation under the LSSI. If a closure is not achieved under the LSSI, a complete LCAR and applicable PCPP co-payment will be required when a site's score is at or above the program's priority score remediation funding threshold.
5. Florida Petroleum Liability and Restoration Insurance Program (FPLIRP) and the Abandoned Tank Restoration Program (ATRP), including the Innocent Victim Petroleum Storage System Restoration Program (IVP) deductibles do not apply to expenditures under the LSSI but the expenditures do apply to the funding cap. If a closure is not achieved under the LSSI, these deductibles will be required to be paid by the RP when a site's score is at or above the program's priority score remediation funding threshold.

### **Consent Orders, Site Rehabilitation Funding Allocation and Settlement Agreements**

Funding under the LSSI is limited to sites with discharges eligible for an Inland Protection Trust Fund petroleum cleanup program (EDI, ATRP, IVP, FPLRIP, PCPP). Discharges addressed in consent orders, settlement agreements or Site Rehabilitation Funding Allocation (SRFA) agreements will be handled on a case-by-case basis and will be subject to the terms of the respective document. If a Work Order (WO) is issued for a site with an existing SRFA agreement due to an ineligible discharge, the terms and conditions (including any cost share) specified in the agreement, shall be applied. Funding for LSSI will not be authorized while SRFA negotiations are underway.

### **Closure Endpoints**

There are three closure endpoints possible through the LSSI:

1. If it is demonstrated that no petroleum contamination exists as a result of the applicable discharge(s), the DEP may issue a SRCO pursuant to Rule 62-780.680(1), FAC. (Risk Management Options Level I).
2. If it is demonstrated that minimal contamination exists as a result of the applicable discharge(s) and soil in the top two feet do not exceed appropriate soil cleanup target levels, a LSSI NFA Order acknowledging such conditions shall be

issued pursuant to Section 376.3071(12)(b), FS. Refer to the LSSI Closure Requirements section for more information.

3. If soil in the top two feet exceed appropriate soil cleanup target levels and the requirements of Section 376.3071(12) are met for the applicable discharge(s), a SRCOC acknowledging such conditions shall be issued by DEP pursuant to Section 376.3071(12)(b), FS. Refer to the SRCOC Requirements section for more information.

Before an SRCO, LSSI NFA, or SRCOC can be issued, monitoring wells must be properly abandoned pursuant to Water Management District, local, or DEP rules and guidelines, as applicable.

### **LSSI Closure Requirements**

To qualify for a LSSI NFA, the RP must demonstrate that the following conditions are met:

- a. Soil saturated with petroleum or petroleum products, or soil that causes a total corrected hydrocarbon measurement of 500 parts per million or higher for the Gasoline Analytical Group or 50 parts per million or higher for the Kerosene Analytical Group, as defined by DEP Rule, does not exist onsite as a result of a release of petroleum products. In most cases, soil samples will also be collected for laboratory analysis to verify the field screening data reported during the soil assessment to allow the SRCO closure endpoint when appropriate.
- b. A minimum of 12 months of groundwater monitoring indicates that the plume is shrinking or stable.
- c. The release of petroleum products at the site does not adversely affect adjacent surface waters, including their effects on human health and the environment.
- d. The area of groundwater containing the petroleum products' chemicals of concern:
  - a. Is confined to the source property boundaries of the real property on which the discharge originated, unless the property owner has requested or authorized a more limited area in the "No Further Action" proposal submitted under this subsection, or
  - b. Has migrated from the source property onto or beneath a "transportation facility" as defined in Section 334.03 FS for which the DEP has approved, and governmental entity owning the transportation facility has agreed to "institutional controls" as defined in s. 376.301 FS.

- e. The groundwater contamination containing the petroleum products' chemicals of concern is not a threat to any permitted potable water supply well.

In addition to paragraphs a-e above, to qualify for an LSSI NFA, the top two feet of soil must meet applicable soil cleanup target levels. If not, paragraph f. below must be satisfied in order to qualify for the SRCOC:

- f. Soils onsite found between land surface and two feet below land surface which are subject to human exposure meet the soil cleanup target levels established in subparagraph 376.3071(5)(b)9., FS or human exposure is limited by appropriate institutional or engineering controls.

### **SRCOC Requirements**

Under the LSSI, the DEP may not pay for costs associated with the establishment of institutional or engineering controls, other than the costs associated with a professional land survey or a specific purpose survey, if such is needed, and the costs associated with obtaining a title report and paying recording fees. If a site would only qualify for an SRCOC with such controls, such controls would have to be put in place before an SRCOC would be issued. If the appropriate controls are not put in place, the site would not qualify for an SRCOC and the site would await cleanup based on its priority score. Within six months of the DEP notifying the RP that the discharge qualifies for a SRCOC the RP shall submit appropriate institutional control paperwork and, if applicable, the engineering control documentation, to the DEP, if the necessary institutional control is not already in place. Alternatively, within the same six month timeframe the RP may submit documentation that it will pursue remediation at its own expense in lieu of accepting institutional controls. Failure of a RP to prepare and submit a timely and sufficient institutional control package (including title work) to the DEP within six months from the date of the DEP's provisional no further action with conditions approval letter may result in the DEP denying all LSSI applications from this RP. Please see Institutional Control Procedures Guidance document located at <http://www.floridadep.gov/ogc/ogc/documents/institutional-controls-procedure-guidance>).

### **LSSI Procedures**

#### **STEP 1: Contractor Selection**

For state funded eligible discharges, before commencing any work under the LSSI, the LSSI Application and Contractor Selection Sheet (LSSI Application) and cost proposal (unless option b. below is selected) will need to be completed and submitted together. The RP will indicate its choice of contractor procurement method as authorized in Rule 62-772.401, F.A.C.

For an RP to participate in the LSSI program, an RP may:

- a. Select a qualified contractor provided that pricing levels and conditions of the proposal can be negotiated on best terms to the DEP; or
- b. Agree to informal quote process (using a request for written or electronic quote) administered by the DEP; or
- c. Select an agency term contractor

If a. above is selected, and the DEP determines that the pricing and costs associated with the proposal are not the best terms, the DEP may request additional proposal(s) or negotiate the pricing and costs.

For LSSI Applications received on or after July 1, 2016, to avoid delay and unnecessary expenditure, once an LSSI WO has been issued the RP cannot change the contractor unless the RP can demonstrate poor performance by the selected contractor.

The DEP will reassess that the site retains a priority ranking score of 29 points or less as part of the LSSI validation process. If the reevaluation of the site score demonstrates that the site score remains less than or equal to 29 points, then LSSI work may proceed at the site, assuming all other qualifications are met. If the reevaluation of the site score demonstrates that the site score should be raised to higher than 29 points, no work under LSSI funding will be allowed and the RP will be notified.

## **STEP 2: Proposal**

The DEP will compensate consultants for the initial assessment proposal preparation in cases where the potential for achieving closure under the LSSI funding exists and the proposal is appropriate and acceptable. DEP will not compensate consultants for additional proposal preparation for continuing assessment or limited remediation. However, proposal compensation will not be provided in cases where there is sufficient data available to demonstrate that site conditions would not meet the minimum requirements for issuance of a SRCO, LSSI NFA or SRCOC or in cases where the assessment required cannot be completed within the funding constraints of the LSSI.

Effective July 1, 2016, legislation raised the assessment cap from \$30,000 to \$35,000. For sites that had an open LSSI WO prior to July 1, 2016, the site owner may apply for additional assessment using a cumulative cost not to exceed \$35,000 by completing and submitting the most current LSSI Application and cost proposal. However, additional funds will not be provided in cases where there is sufficient data available to demonstrate that site conditions would not meet the minimum requirements for issuance of a SRCO, LSSI NFA or SRCOC or in cases where the assessment required cannot be completed within the funding constraints of the LSSI. The duration of the

assessment performed under the previous LSSI Application will not be applied to the new LSSI Application time limitations.

Effective July 1, 2016, legislation allows for up to an additional \$35,000 for limited remediation if that remediation will likely result in SRCO, LSSI NFA, or SRCOC. A site owner may apply for limited remediation funding not to exceed \$35,000 by completing and submitting the most current version of the LSSI Application (if not yet submitted) and assessment report as outlined in Step 7. The DEP will verify that the LSSI Application has been received and is valid prior to distribution of a proposal to a DEP Site Manager.

The proposal shall include a review of all available information about the site that may be used to evaluate whether a SRCO, LSSI NFA, or SRCOC determination will be appropriate. In cases where limited information is available on a particular site, it may be necessary to evaluate data collected at nearby sites in order to develop a proposed scope of work for the assessment and/or evaluate whether the site being considered is a viable candidate for the LSSI. Numerous on-line sources of information exist to query this information. Common resources include, but are not limited to, the DEP Contamination Locator Map, OCULUS, DEP STCM/PCT Reports, Google Earth (and other mapping tools) and Florida Department of Transportation aerial photographs. In addition, it has been the DEP's experience that the RP often possesses relevant documentation to aid in the site evaluation process.

Information gained from the historical review shall be discussed in the proposal and incorporated into the recommended scope of work for the LSSI assessment and/or monitoring activities. Key items to consider in order to provide a viable scope of work include, but are not limited to:

1. What closure endpoint is being sought under the LSSI? If the site does not qualify for an SRCO or LSSI NFA will the RP commit to putting or accepting any appropriate engineering or institutional controls in place if the DEP allows additional funding to assess its appropriateness? The answer to this question will play a significant part in determining the appropriate steps taken during the assessment and is also critical to ensuring a cost effective approach employed to accomplish the closure goal.
2. Has the site layout changed since the original discharge was reported? If so, are all eligible source areas (past and present) accessible?
3. Is there pre-existing data that suggests a closure will likely not be achieved under the LSSI with or without limited remediation?
4. Are there sufficient LSSI funds to adequately assess both soil and groundwater at each eligible source area?
5. Are previously installed monitoring wells still present and if so, are the wells in a condition to allow sampling to be performed?

6. Is there historical data demonstrating offsite contamination to non-transportation facility property originating from the source property?
7. Are there offsite sources that may be contributing to or commingling with contaminant plumes originating from the subject property? If so, can the contamination from these offsite sources be differentiated within the LSSI funding limit?
8. Are there ineligible discharges on the source property that may impact the assessment process and/or inhibit the ability for the eligible discharge to obtain a closure?
9. What is the depth-to-water in the area of the site and will this depth limit the number of borings or wells that can be installed and sampled within the LSSI funding limit?

If the historical review reveals information that demonstrates that the site would qualify for the SRCO, LSSI NFA, or SRCOC without the need for additional assessment, then no additional assessment work shall be performed other than submittal of the LSSI Report that documents the findings. In these cases, the proposal should briefly summarize the review findings and request compensation for submittal of a LSSI Report to further elaborate on the data and formerly recommend the applicable closure endpoint.

At a minimum, the following components will be required in the proposal in order to obtain approval of the LSSI project:

1. A description of previous assessment and/or remediation work, including applicable figures and tables.
2. A description of any changes to a site's land use and layout since the discharge was reported. Figures showing the former and current property layouts must also be provided which illustrate the former and current sources areas (and any obstructions which may prevent access to source areas related to the LSSI assessment), as well as proposed soil and/or groundwater sampling locations. Aerial images may be used in place of or in support of historical figures or site sketches.
3. Expected itemized breakdown for the costs (not to exceed \$35,000) to perform the LSSI Assessment including, but not limited to:
  - i. An estimated number of baseline and conditional soil and/or groundwater sample locations, laboratory samples and associated costs must be provided. The scope of work must be designed to make sufficient use of each field event to foster the most cost effective use of funding.



- ii. At least three competitive quotes must be submitted for each of the subcontractor costs greater than or equal to \$2,500, unless maximum rate schedules are used or for in-house bids (unless DEP determines the rates are unusually high).

### **Typical Office Activities Allowed Under LSSI Assessment**

In order to maximize funds available to conduct field work and achieve site closure, the following office related activities are typically authorized in LSSI WOs:

1. Proposal Preparation – Allowed pursuant to Step 2 instructions above.
2. Site Health & Safety Plan
3. General/Site Assessment Reports – LSSI assessment only
4. Quarterly Monitoring Report – Groundwater monitoring only
5. Initial Map & Table Generation – See additional details below

The allowance of the Initial Map and Table Generation (IM&TG) Office Activity is contingent on the existence of historical data that are relevant to the assessment of the eligible discharge(s) being investigated under the LSSI. In addition, payment for this activity requires that all relevant historical data (e.g., Organic Vapor Analyzer screening, soil analytical, groundwater elevation and groundwater analytical) is included as part of the cumulative data tables presented in the LSSI Site Assessment Report (LSSI SAR). Payment of the IM&TG activity also requires generation of a scaled site map which includes relevant historical data and sample locations as discussed in Step 5 of this document.

If relevant historical data does not exist, eliminating the allowance of the IM&TG activity, an ‘LSSI Map Generation’ allowance may be authorized to provide compensation for the preparation of scaled site maps (prepared via CAD or similar format) illustrating site features, groundwater elevations and flow direction, and the extent of soil and groundwater plumes. Compensation of IM&TG or LSSI Map Generation costs requires submittal of digital copies of all tables (Microsoft Excel) and maps (CAD or equivalent) as well as a digital copy of the entire LSSI SAR (PDF) as part of the LSSI SAR.

### **STEP 3: Assessment**

Assessment of the discharge(s) eligible for state funding should be completed using the Streamlined Assessment approach (see the link at [http://www.dep.state.fl.us/waste/quick\\_topics/publications/pss/pcp/StA-Guidance.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/pss/pcp/StA-Guidance.pdf)). The assessment should start at the known or suspected source of the discharge with baseline borings and/or wells, unless historical data demonstrates the need for a different

approach. After completion of baseline work, contingency borings/wells may need to be performed if the data is needed to support a decision as to whether the discharge qualifies for SRCO, LSSI NFA, or SRCOC. The vast majority of LSSI WOs include specific language regarding the need to communicate the information gathered in the field and to obtain preapproval from the DEP prior to performing contingent work. This language has been included to ensure that both the consultant and the DEP are in agreement with the data collected prior to demobilizing from a site to prevent additional mobilizations.

### Use of Direct Push Technology and Other Mechanical Drilling/Sampling Methods

The use of Direct Push Technology (DPT) and other mechanical drilling methods have proven to be valuable tools in the collection of required field data under the LSSI. However, the cost of using these methods can be significantly higher than performing similar work via hand auger, particularly for depths to groundwater of less than 10 feet below land surface. Therefore, if mechanical drilling and sampling methods are proposed to be used during an LSSI assessment, the scope of work should be designed to maximize the collection of soil *and* groundwater samples as well as groundwater elevation in one mobilization. Since the inception of the LSSI, the DEP has reviewed numerous proposals which include the use of mechanical drilling tools at sites where the depth to groundwater is relatively shallow (<10 feet below land surface) and these proposals often include one or two days of DPT during which only soil data is proposed. In these cases, the DEP may reject the proposal and require that it includes groundwater elevation and/or analytical data during the same mobilization. With the exception of certain areas of the state where limestone is present immediately below the subsurface, scopes of work at sites with similar characteristics to those described above should not be limited to the assessment of only soil when a mechanical drilling tool is requested to be used.

### Field Sampling

Field screening with an Organic Vapor Analyzer (OVA) will be used to evaluate soil petroleum impacts below two feet for the Gasoline Analytical Group (GAG) and Kerosene Analytical Group (KAG). Soil below two feet is not required to meet soil cleanup target levels as part of the requirements to qualify for the LSSI NFA, however, most WOs issued under the LSSI will include the collection of soil samples for laboratory analysis in order to determine whether Soil Cleanup Target Levels (CTL) are met and the site qualifies for SRCO. If laboratory analytical data below two feet indicates Soil CTLs were exceeded, but OVA data is below the GAG/KAG thresholds, the requirements of subparagraph (4)(a) have been met. For the top two feet of the subsurface, or if the discharge includes waste oil, then soil laboratory analysis must be used to meet soil cleanup target levels. Contingent analysis of these samples via Synthetic Precipitation Leaching Procedure (SPLP) and Total Recoverable Petroleum Hydrocarbons (TRPH) speciation may also be necessary to further evaluate soil

conditions once baseline soil laboratory data is provided. Since many LSSI assessments are proposed with little to no pre-existing data and the fact that many of the tasks specified in an LSSI WO are contingent, it is often necessary to collect additional data while in the field after initial observations are made. Therefore, it is critical that field staff deployed to LSSI sites possess the ability to adapt to changes in logistics or site conditions, discuss field observations and identify data gaps that can be filled while onsite, as well as communicate with their DEP Site Manager on a regular basis.

#### **STEP 4: Evaluation of Assessment Data**

Data collected for LSSI assessments should be evaluated as it becomes available and recommendations to perform supplemental assessment activities should be relayed to the DEP Site Manager prior to submittal of the final deliverable. Early communication of data and recommendations for supplemental work allows for timely execution of Change Orders which increases the likelihood of completing a LSSI WO within the 15 month Period of Service specified in Section 376.3071(12)(b), FS.

- a. If the samples collected and analyzed near the source area indicate that issuance of an SRCO, LSSI NFA, or SRCOC is reasonably expected, but additional assessment work is required to confirm this determination, then contingency work or additional assessment work may be authorized as long as the additional assessment work required can be completed within the remaining LSSI assessment funding cap.
- b. If the data indicate that a SRCO, LSSI NFA, or SRCOC is reasonably expected without active remediation, the LSSI Report shall be submitted documenting these findings. If necessary to satisfy LSSI NFA requirements, a request shall be made for a minimum of 12 months of monitoring, to be performed under a separate WO (as long as the \$35,000 funding cap has not been expended).
- c. If pre-existing data indicate that a SRCO, LSSI NFA, or SRCOC is appropriate without additional assessment or monitoring, the LSSI Report shall be submitted documenting these findings.
- d. If at any time data indicate that the criteria for closure will not be met, resulting in the inability to issue a SRCO, LSSI NFA, or SRCOC, assessment activities will be terminated (until funding becomes available based on the site priority score) by the end of the field event as directed by DEP staff or upon DEP review of submittals that indicate that a site cannot reach closure under LSSI and a LSSI Report shall be submitted documenting the findings.

If it is determined at any point that a closure cannot be accomplished within the \$35,000 funding limit for either the assessment or the limited remediation (and the

RP is unwilling to contribute funds to the assessment and/or limited remediation work), the DEP will discontinue LSSI funding.

### **STEP 5: LSSI Assessment Report Requirements**

In most cases, the final deliverable for LSSI projects shall be a LSSI Site Assessment Report (LSSI SAR). The report must be completed and received by the DEP on or before the due date specified in the WO. Time extensions for LSSI deliverables may be authorized on a case-by-cases basis if supported by a valid reason for the extension request. However, no Period of Service extensions will be allowed. The LSSI SAR will be used to provide written documentation and backup information to support the findings and applicability of a SRCO, LSSI NFA, or SRCOC, and as backup documentation for invoicing for program eligible discharges. The report should include:

1. A summary of the circumstances surrounding each discharge (both eligible and ineligible) and any historical data reported in response to those discharges.
2. A discussion of the assessment and/or monitoring work performed (if any) under the LSSI as well as a summary of the results of any field or laboratory data collection.
3. Scaled site maps as appropriate, including but not limited to:
  - a. Site location map;
  - b. Property boundaries;
  - c. Historical and current site features (layout);
  - d. Soil and groundwater laboratory concentrations;
  - e. Soil and groundwater plume maps indicating OVA and/or laboratory analysis trends as well as interpretations of chemical concentrations with contour lines;
  - f. Groundwater elevation and flow direction map(s); and
  - g. Relevant historical data and sample locations.
4. Tables as appropriate, including, but not limited to:
  - a. Comprehensive soil and groundwater tables (including relevant historical data) summarizing both field collected and laboratory data;
  - b. Water table elevation tables; and
  - c. Monitoring well construction tables.
5. All field notes, boring logs, sampling logs and calibration logs as required per DEP and PRP guidance documents.

6. Summary, conclusions, and a recommended course of action, which must include a discussion of the applicability of the closure endpoint for the site. The report must be signed/sealed by the appropriate professional. If a closure with engineering and/or institutional controls will be recommended, a list of suggested restrictions and, if applicable, engineering controls, must be included. For examples of restrictions, engineering controls and a sample restrictive covenant, please refer to the Institutional Control Procedures Guidance Document, on the DEP Division of Waste Management (DWM) website, <http://www.floridadep.gov/ogc/ogc/documents/institutional-controls-procedure-guidance>.
7. If the LSSI SAR is proposing additional remediation (at a cost of \$35,000 or less) to achieve site closure, the recommendations should include a conceptual remediation design and appropriate figures with estimated costs for DEP to review.
8. Applicable portions of the Site Characterization Screening (SCS) Information worksheet (see additional details below).

Information collected during a LSSI assessment that is relevant to the SCS data collection process must be incorporated into all LSSI SARs. Although not all components of the SCS may be able to be satisfied through a LSSI assessment, portions of the SCS Information worksheet that can be populated as a result of performing the LSSI assessment must be completed and a copy of the SCS Information worksheet (both a digital and hard copy) must be included as an attachment to the LSSI SAR.

#### **STEP 6: Criteria Required to Qualify for Monitoring Following LSSI Assessment**

In order to qualify for continued funding for monitoring (as long as there are still sufficient funds remaining from the cap), the conclusions of the LSSI Site Assessment Report must demonstrate that either:

- a. The groundwater and soil concentrations are below applicable CTLs such that the site will qualify for a SRCO by confirmatory groundwater monitoring, if appropriate, or,
- b. The site meets the criteria of subparagraph 376.3071 (12)(b), FS such that the site will (or has already based on pre-existing data) qualify for a LSSI NFA by performing confirmatory monitoring to verify a plume is stable or shrinking, if appropriate, or,
- c. The site meets all other criteria for a SRCOC.

If no contamination is found or documented, then monitoring may not need to be performed. Data from monitoring performed prior to the LSSI work can be included in the evaluation.

#### STEP 7: Criteria Required to Qualify for Limited Remediation

Based on the data compiled in the LSSI Assessment Report or other relevant report, the contractor may propose and the DEP may approve up to an additional \$35,000 for limited remediation needed to achieve an SRCO, LSSI NFA, or SRCOC. Funding is based on the following criteria:

- a. In order to qualify for continued funding for limited remediation, the conclusions of the assessment report must demonstrate that the site does not currently qualify for LSSI closure and that additional remediation is necessary for the site to qualify for closure. The report must meet the requirements outlined in Step 5, Section 7. The DEP will review the proposed remediation strategy, discuss with the contractor if necessary for clarification, and provide a final determination if limited remediation is cost effective and will reasonably achieve site closure.
- b. The assessment and limited remediation work in combination shall be completed no later than 15 months after execution of the LSSI WO. If additional groundwater monitoring is required after the assessment and limited remediation to achieve closure, the DEP may authorize up to an additional 12 months to complete monitoring.

#### STEP 8: LSSI Remediation Work Order and Report Requirements

If the DEP agrees with the recommended remediation strategy a Work Order will be prepared which will include the following:

- a. Pre-Limited Remediation teleconference to discuss the conceptual remediation strategy: The contractor should use the data and the figures from the Assessment Report to illustrate and justify their proposed strategy. The contractor shall provide details of the proposed remediation strategy including the location of any proposed treatment points and the depths and areas of any proposed excavation.
- b. A LSSI Limited Remediation Plan and cost estimate: The LSSI Limited Remediation Plan should include an evaluation of closure options including any controls needed to obtain the selected option. Costs for the approved LSSI Limited Remediation Plan will be based on the level of effort.
- c. Implementation of the remediation strategy will be done with a change order. Any costs associated with a professional land survey or specific purpose survey, if such is needed, and the costs associated with obtaining a title report and recording fees should be identified and submitted for approval in a change order.

- d. A Limited Remediation Implementation Report documenting what was implemented including all appropriate tables/figures/appendices required to document the work performed and support the conclusions and recommendations.

### **Project Approval Order (First-come, first-served)**

First-come, first-served order will be determined based on the date that a completed LSSI Application and cost proposal is received by the DEP for request of funding under the LSSI. For completed LSSI Application and cost proposals received on the same date, first-come, first-served order will be determined based on the program eligibility date (from oldest eligibility date to most recent). In the case where availability of funds for a certain fiscal year is exhausted, applicants who are not able to receive approval for their LSSI project in that year will be notified in writing by the DEP.

### **Constraints on Work Orders and Change Orders (COs)**

Upon approval of the project, the applicant shall have 15 months from the work order execution date to complete the LSSI assessment and/or limited remediation and submit the final deliverable to the DEP. After approval of the LSSI assessment, monitoring or limited remediation may be funded with a separate WO.

In the case where the \$15,000,000 funding limit is reached for any fiscal year, no WOs or COs shall be issued obligating funds beyond \$15,000,000 for that fiscal year. In the case where there are funds remaining for any fiscal year, those funds will not transfer to the following fiscal year. WOs shall be executed within the active fiscal year and shall not be obligated to future fiscal years.

Furthermore, Section 376.3071 (12)(b) limits LSSI funding to ten sites per RP per fiscal year. Once WOs for ten sites for a particular RP have been executed, additional sites for that RP will be addressed in the subsequent fiscal year.

### **Invoicing**

The final invoice for a WO must be submitted to the DEP within 30 days after the date of written approval of the final deliverable by the DEP. As stipulated in the WO terms and conditions, failure to submit the final invoice within this timeframe may result in the forfeiture of the unpaid balance of the WO. Interim invoices to provide compensation for completed field work may be submitted as authorized in the WO. Interim invoices shall be paid based on the payment schedules of the WO and the actual work performed as supported by adequate documentation (field notes, boring/well/sampling logs, chains of custody, etc.).

## **LSSI Contact Information**

For more information on the LSSI, please contact:

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