

## **Petroleum Cleanup Participation Program** **Information Sheet**

Below is general information about the **Petroleum Cleanup Participation Program (PCPP)**; for more information about this eligibility program or the Inland Protection Trust Fund (IPTF) see Section

376.3071(13), Florida Statutes (F.S.) and Section 376.3071, F.S. This information sheet does not address

non-petroleum contamination or contamination that is not eligible for PCPP that may or may not be present on the property.

PCPP discharges are eligible for funding under the IPTF. 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.

Discharges eligible for the PCPP are eligible for up to \$400,000 of State funds, and the Department may also approve supplemental funding of up to \$100,000 for additional remediation and monitoring if such remediation and monitoring is necessary to achieve closure (see below). The Department funding is subject to the real property owner or other responsible party submitting a Limited Contamination Assessment Report (LCAR) and entering into a PCPP Agreement in which the owner or responsible party provides to the Department a 25% copayment, 25 % cost savings or combination of copayment/cost savings equal to 25%. PCPP Agreements, unlike the eligibility, do not transfer to subsequent property owners, unless assumed by the new property owner who is then subject to the Agreement requirements to clean up the petroleum contamination that is associated with the PCPP eligibility order.

Once funding becomes available to clean up a PCPP discharge, the property owner will be notified and will be required to provide access to the property and to provide an LCAR. Remediation and site rehabilitation, under an executed PCPP Agreement, will continue until a Site Rehabilitation Completion Order (SRCO) (with or without conditions) is issued for the discharge or the statutory cap is exhausted, whichever comes first. If the site rehabilitation is not completed under the statutory cap, then at their own expense, the responsible parties are obligated to complete the site rehabilitation in accordance with Chapter 62-780, F.A.C.

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 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 could include the maintenance of an impervious cap such as a parking lot or building.

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). Please send such notification to the Department of Environmental Protection, Petroleum Restoration Program, 2600 Blair Stone Road, MS 4580, Tallahassee, Florida 32399-2400.

Because an eligible discharge of petroleum contamination may remain on the property for some time before funding is available to begin site rehabilitation or until 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 liable 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.