



# PERFORMANCE BASED CLEANUP

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# WHAT IS PERFORMANCE BASED CLEANUP



# PERFORMANCE BASED CLEANUP

**Performance Based Cleanup (PBC) is one approach to issue work in the Petroleum Restoration Program**

Work under the Agency Term Contracts can be issued in two ways:

- Line Items.
- Milestone Payments.





# PERFORMANCE BASED CLEANUP

## PBC uses Milestone Payments instead of Line Items

- PBC does not pay based on work performed but instead pays based on milestones achieved.
- Example Milestones:
  - Remedial Action Plan.
  - Remedial Remedy Implementation.
  - 25% Reduction in Contamination.
  - 50% Reduction in Contamination.
  - Achieve Cleanup Target Levels.
  - Maintain Cleanup Target Levels.
  - Well Abandonment and Site Restoration.



# PERFORMANCE BASED CLEANUP

## PBC agrees to reach a cleanup goal

- The endpoint of the agreement is discussed and entered into the endpoint of the contract.
- The endpoint could be Cleanup Target Levels all contaminants in all media – Risk Management Option I.
- The endpoint could be elevated Cleanup Target Levels.
- Examples of possible elevated Cleanup Target Levels:
  - 50% Reduction in contamination (all contaminants all media).
  - 75% Reduction in contamination (all contaminants all media).
  - Achieve Natural Attenuation Default Concentration Levels (NADCs).
  - Achieve Cleanup Target Levels (all contaminants in soil).
  - Achieve Cleanup Target Levels (all contaminants all media).



# PERFORMANCE BASED CLEANUP

## **PBC agreements are specific to the site and goals**

- The site manager and their Professional Engineer work with the PBC Team, the Agency Term Contractor and the Responsible Party/Site Owner to design an agreement that fits the site and goals.
- Points to consider when designing a PBC agreement:
  - What contaminants are on site?
  - What media(s) are contaminated?
  - Is the contamination defined?
  - Is the contamination accessible?
  - What is a reasonable and achievable goal with the agreement?
  - Is site funding adequate to reach the goal?



# PERFORMANCE BASED CLEANUP

## PBC verification sampling

- DEP scopes verification sampling to evaluate the cleanup status and, at the DEP's discretion, milestone achievement. The verification is performed by a Forensics contractor.
- Types of verification sampling:
  - Sample existing wells.
  - Install and sample new wells.
  - Conduct soil sampling.
  - Split samples with the ATC.



# PERFORMANCE BASED CLEANUP

## Conducting PBC verification sampling

- When does DEP conduct verification sampling?
  - At any point.
  - Upon achievement of any milestone at DEP's discretion.
  - Always upon achievement of the endpoint milestone.





# PERFORMANCE BASED CLEANUP

**The goal of PBCs is to cleanup a petroleum discharge or reduce the contamination to an agreed upon point.**

- Successful PBCs require:
  - Comprehensive understanding of existing contamination.
  - Reasonable cleanup goals.
  - Adequate funding to achieve goals and assume risk.
- Benefits of Performance Based Cleanup:
  - Reduction in administrative burden to site manager.
  - Reduction in administrative burden to contractor.
  - Contractor is paid for cleaning up contamination.





# WHEN TO SCOPE PERFORMANCE BASED CLEANUP





# PERFORMANCE BASED CLEANUP

## Performance Based Cleanup goal

- The goal of PBC is to set the milestones to be achievable and have a successful agreement. Not every site is a good candidate for PBC to cleanup target levels, but most sites could achieve an endpoint with elevated target levels.
- The following would be challenges to issuing a successful PBC:
  - Undefined plume.
  - Incomplete assessment.
  - Inaccessible contamination.
  - Funding inadequate to achieve goals.

PBC is excellent option for funding work in the Petroleum Restoration Program (PRP), that should be evaluated and discussed with contractors and site owners.





# PBC CONTACTS





# PERFORMANCE BASED CLEANUP

## Performance Based Cleanup Contacts

- Submit all PBC requests to Brittany Wright at [Brittany.Wright@FloridaDEP.gov](mailto:Brittany.Wright@FloridaDEP.gov)
- Quote PBC questions and review contacts:
  - Jamie Lopez — [Jamie.L.Lopez@FloridaDEP.gov](mailto:Jamie.L.Lopez@FloridaDEP.gov); 850-245-8925.
  - Sunil Pendyal, P.E. — [Spendyal@northstar.com](mailto:Spendyal@northstar.com); 850-222-6446 ext. 4849.
- PBC not quoted questions and review contacts:
  - Dona Milinkovich — [Dona.Milinkovich@FloridaDEP.gov](mailto:Dona.Milinkovich@FloridaDEP.gov); 850-245-8872.
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# THANK YOU

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