



PERFORMANCE BASED CLEANUP (PBC) AND ADVANCED CLEANUP (AC)

Kristen Sapp

Division of Waste Management / Petroleum Restoration Program
Florida Department of Environmental Protection

Tallahassee, Florida | April 28-30, 2026



AGENDA OR MAINPOINTS



- What is Performance Based Cleanup (PBC)?
- Key elements of a PBC Purchase Order (PO).
- Types of Performance Based Cleanup.
- Process of starting and issuing a PBC PO.
- Advanced Cleanup.



WHAT IS PERFORMANCE BASED CLEANUP?



PERFORMANCE BASED CLEANUP

Performance Based Cleanup (PBC) is one approach to issue work or purchase orders in the Petroleum Restoration Program.

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

- A typical PO pays the ATC by the Line Items.
- PBC POs pays the ATC by completion of Milestones.

PBC does not pay based on work activities but instead pays based on milestones achieved.



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 , if they want to participate in the discussions, the Real Property Owner of the source property or other Responsible Party 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?
 - How extensive is the off-source property contamination?
 - 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 NEEDS AND BENEFITS

- 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.



KEY ELEMENTS OF PERFORMANCE BASED CLEANUP POs



PERFORMANCE BASED CLEANUP MILESTONES

Total amount to reach the agreed upon goal is negotiated before work begins.

PBC uses Milestone Payments, a percentage of the total, instead of Line Items to compensate the ATC for their work.

- Example Milestones:
 - DEP approval of a Remedial Action Plan.
 - Remedial Remedy Implementation, i.e. source removal or injection.
 - 25% Reduction of all contaminants.
 - 50% Reduction of all contaminants.
 - Achieve Cleanup Target Levels.
 - Maintain Cleanup Target Levels.
 - Well Abandonment and Site Restoration.



PERFORMANCE BASED CLEANUP

All parties agree to a cleanup goal in a defined time period not to exceed 5 years.

- The endpoint is discussed and entered as the endpoint of the purchase order.
- Endpoint option could be:
 - Cleanup Target Levels all contaminants in all media – Risk Management Option I.
 - Alternate Cleanup Target Goals.
 - 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 VERIFICATION SAMPLING

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



TYPES OF PERFORMANCE BASED CLEANUP



PERFORMANCE BASED CLEANUP

TYPES OF PBC

- Quote PBC.
 - Goes out for a bid and the lowest bidder gets the PO.
- Individual PBCs less than threshold under 62-772
 - Direct assigned but cost negotiated because of purchase order amount is less than threshold under 62-772.
- PBC for Advance Cleanup Bundles
 - Applications may be received no more than twice a year per statute.
 - All Advanced Cleanup agreements that include more than one facility must use a PBC PO.
- PBC for Advanced Cleanup for Redevelopment (ACR) Agreements
 - Applications are received year-round.
 - Funding cap per year is \$5 million.
 - All ACR agreements must use a PBC PO.



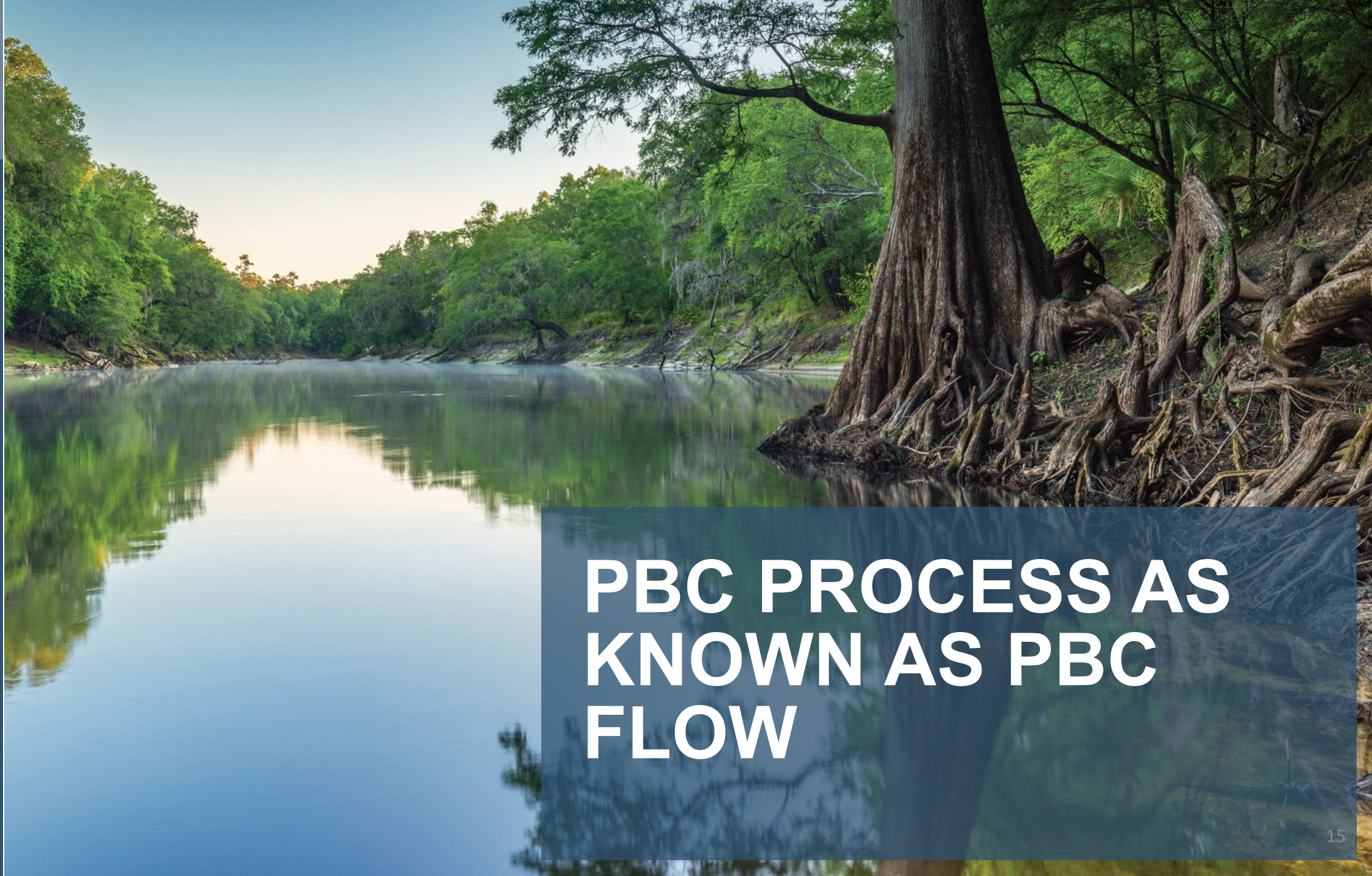
WHEN NOT TO SCOPE PERFORMANCE BASED CLEANUP



PERFORMANCE BASED CLEANUP

THE GOAL OF PBC

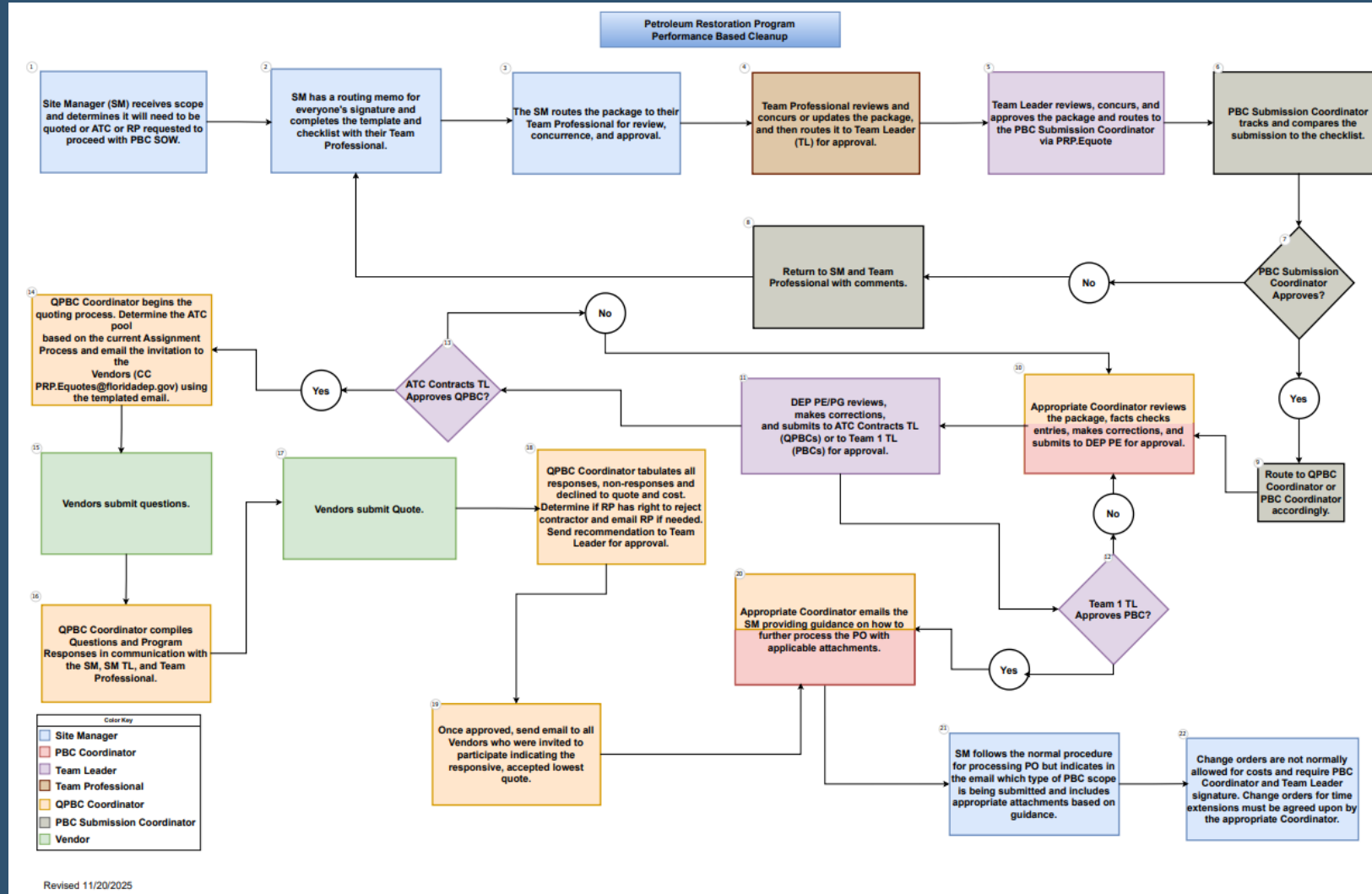
- Goal is achieving Closure using defined Milestones.
- The following would be challenges to issuing a successful PBC:
 - Undefined plume.
 - Incomplete assessment.
 - Inaccessible contamination.
 - Funding inadequate to achieve goals.



PBC PROCESS AS KNOWN AS PBC FLOW



PRP PERFORMANCE BASED CLEANUP





PBC CONTACTS



PBC CONTACTS

Performance Based Cleanup Contacts

- Submit all PBC requests to PRP.EQuote@FloridaDEP.gov.
- Quote PBC questions and review contacts:
 - Jamie Luten — Jamie.Luten@FloridaDEP.gov; 850-245-8925.
 - Deneka Smith — Deneka.Smith@FloridaDEP.gov; 850-245-8750.
- PBC not quoted questions and review contacts:
 - Dona Milinkovich — Dona.Milinkovich@FloridaDEP.gov; 850-245-8872.
 - Sunil Pendyal, P.E. — Spendyal@northstar.com; 813-684-4400 ext. 4849.
 - Kristen Sapp — Kristen.Sapp@FloridaDEP.gov; 850-245-8916.



ADVANCED CLEANUP (AC)



ADVANCED CLEANUP (AC) PROGRAM

Section 376.30713, Florida Statutes (F.S.)

- Pollutant Discharge Prevention and Removal
- Specifically discusses:
 - Individual Advanced Cleanup
 - Advanced Cleanup Performance Based Bundles
 - Advanced Cleanup for Redevelopment



ADVANCED CLEANUP (AC) PROGRAM

Advanced Cleanup – AC Section 376.30713, F. S.

AC Agreements are three-party agreements among the applicant (the property owner/responsible party), the Agency Term Contractor (ATC) recommended by applicant and the Department of Environmental Protection (DEP).



TYPES OF ACs

AC Type	Application	DEP Supplemental Site Assessment/LCAR Completion	Applicant Share/Savings	Purchase Order	Total \$ Available
Individual	Two times per year May-June Nov.-Dec.	Yes	Minimum 25%	Line Item or PBC	Up to \$25 million for all applications
PBAC	Two times per year May-June Nov.-Dec.	No	Minimum 25%	Only PBC	Up to \$5 million
ACR	Open Year-Round	No	No Applicant Share	Only PBC	\$1 million per applicant per year



GENERAL AC CONSIDERATIONS

Only **Eligible** Discharges Allowed

- Cannot issue AC agreements on non-program discharges.
- Eligibility requirements must be met (caps, deductibles and co-pays).
 - Petroleum Cleanup Participation Program (PCPP) – 25% co-pay **in addition to** AC minimum 25% applicant share results in a minimum of 50% savings to the State.
- Pay attention to multiple discharges.
 - Are they co-mingled?
 - Do multiple Purchase Orders (POs) need to be issued for the site?



MANAGING THE EXECUTED AC AGREEMENT

Management of Site then transferred to a Site Manager for LCAR Completion.

Once the LCAR is complete, the site will continue to be managed by the Site Manager.

Transfer Packet (similar with or without LCAR completion requirement):

- Executed AC Agreement.
- Accepted Negotiation Letter.
- Executed Site Access Agreement.
- Guidance on preparing the SPI based on applicant's method of meeting the required applicant share (get correct template):
 - Applicant Cost Share (actual payments made to ATC).
 - ATC Savings.
 - Combination.



LCAR COMPLETION

- Statute requires DEP pay to complete the LCAR for “regular” Individual ACs via POs less than \$35,000.
 - Often takes multiple POs
 - The AC Applicant Share applies to all POs.
 - Cost of LCAR Completion comes out of the AC Ceiling.
- Either the Local Program (LP) Site Manager or a Team 1 Site Manager will manage LCAR Completion.
- Once you determine the assessment/LCAR is complete, send the templated LCAR Complete/Final Deliverable Letter (included in the transfer packet).
 - Final Deliverable – LCAR Complete copy; (cc) Dona.Milinkovich@floridadep.gov
- AC Applications for Bundle Sites (PBACs) or Redevelopment (ACR) must include a complete LCAR.



MANAGING AN AC SITE

- PO Period of Service (POS END DATE) cannot exceed agreement expiration date.
- Be aware of changes to property ownership.
 - AC Agreements survive transfer of real property (just like PCPP, SRFA, etc.)!
 - A new site access agreement is required.



MANAGING AN AC SITE

- AC Amendment may be issued to extend agreement expiration date if appropriate.
 - Pay attention-request ahead of time, minimum 90 days.
 - Provide history and justification for the extension.
 - Typical extensions are 24 months. Special justification is required for a longer extension.
 - AC Ceilings are not amended, only agreement length.
 - Out of compliance may impact work ability.
 - New discharges typically cancels the agreement.

A PO is **NOT** an AC Agreement.



AC CONTACTS

Advanced Cleanup Contacts

Dona Milinkovich — Dona.Milinkovich@FloridaDEP.gov; 850-245-8872

Grant Willis — Grant.Willis@FloridaDEP.gov; 850-245-8886

Kristen Sapp — Kristen.Sapp@FloridaDEP.gov; 850-245-8916



THANK YOU

Kristen Sapp

Division of Waste Management / Petroleum
Restoration Program

Florida Department of Environmental Protection

Contact Information:

850-245-8916

Kristen.Sapp@FloridaDEP.gov