



PETROLEUM CLEANUP PARTICIPATION PROGRAM

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Florida Department of Environmental Protection

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PETROLEUM CLEANUP PARTICIPATION PROGRAM (PCPP)

Presentation Agenda

- General Overview of PCPP
- PCPP Agreement Options



PETROLEUM CLEANUP PARTICIPATION PROGRAM (PCPP)

Petroleum Cleanup Participation Program (PCPP)

- PCPP is a cost-sharing (**25% obligation**) clean-up eligibility program that provides rehabilitation funding assistance to owners/Responsible Parties (RPs), for property currently contaminated by a petroleum discharge occurring before Jan. 1, 1995. Funding cap is \$400,000.00 per discharge. \$100,000 auxiliary funding may be approved.



PETROLEUM CLEANUP PARTICIPATION PROGRAM (PCPP)

PCPP

- When a discharge comes into priority score funding range, the Department of Environmental Protection (DEP) will send notice to the owner that action must take place (either complete a Limited Contamination Assessment Report (LCAR) or enter a PCPP Agreement if assessment work was previously completed).



PETROLEUM CLEANUP PARTICIPATION PROGRAM (PCPP)

- PCPP Agreements require owners/RPs to **elect one** of three options* to provide their required 25% cost-sharing obligation (participation).
- *Prior to 2020, all PCPP Agreements had either a 25% co-payment or had a financial analysis completed to see what amount, if any, an owner could contribute; all PCPP Agreements executed prior to 2020 are still valid and should be followed.



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25% Cost-savings

- Agency Term Contractor (ATC) reduced rates to achieve a 25% cost savings.
- Owner/RP agree to Risk Management Option (RMO) II as a cost savings.

25% Co-payment

25% Combination

- Any combination of copayments and cost savings equal to 25%.



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PARTICIPANT AGREES TO PROCEED UNDER THE SELECTED OPTION
(please select and initial only ONE option and appropriate sub-options if applicable)

1. ☐ Participant is providing a 25% cost savings to the Department:
- ☐ Attached as Exhibit A the agency term contractor's (ATC's) written acceptance to a reduction in its Department ATC rates.
- OR
- ☐ Attached as Exhibit A is the Participant's executed PCPP Conditional Closure Agreement (CCA, including Attachment B Conditional Closure Agreement Contractor Recommendation) with an endpoint of RMO II. Also attach evidence of a properly recorded interim declaration of restrictive covenant.

Participant Initials _____
If cost savings selected

Facility ID: _____ | Agreement template 05/12/2022

2. ☐ Participant is paying a 25% copayment of the cost to cleanup.
- Participant Initials _____
If copayment selected
3. ☐ Participant is providing a combination of both a cost savings and copayment equal to 25% of the cost of cleanup (Attached as Exhibit A, recommended ATC's written acceptance to a reduction in its Department ATC rates and the Participant copayment percentage combination).
- Participant Initials _____
If combination selected



PETROLEUM CLEANUP PARTICIPATION PROGRAM (PCPP)



EXEMPT FROM COST-SHARING

Florida Statute (FS) 376.3071(4)(q) — A state agency that would otherwise be required to pay for an LCAR or a PCPP cost-share (state agency is the property owner or responsible party, for example) **does not need to do so.**

These Agreements will look different; they will indicate DEP will pay 100% of cleanup costs (up to \$400,000) plus auxiliary funds if needed.



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F.S. 376.3071 (13)(c) Revisions Effective July 1, 2016

DEP may approve **supplemental funding** for the eligible discharge of up to \$100,000 for additional remediation and monitoring, if such remediation and monitoring is necessary to achieve a determination of “No Further Action” (i.e. Site Rehabilitation Completion Order (SRCO), Site Rehabilitation Completion Order with Conditions (SRCOC)).



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How does this affect you?

Storage Tank Contamination Monitoring (STCM) Schedule of Pay Items (SPI): You must review the PCPP Agreement to determine what percentage cost share DEP will pay and include in the description section which option the owner/RP elected:

- **25% copayment** elected = DEP 75%.
- **25% cost savings.**
 - via ATC rate reduction = DEP 100% with comment in the description to utilize a 25% cost savings SPI.
 - via RMO II = DEP 100% with comment in the description indicating 25% cost savings being met based on scope of RMO II (vs. RMO I) as closure endpoint.



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How does this affect you?

STCM SPI: You must review the PCPP Agreement to determine what percentage cost share DEP will pay and include in the description section which option the owner/RP elected:

- **25% combination** = DEP X% with comment in the description to utilize X% a 25% cost savings SPI. (Example: Owner willing to pay 10% and ATC willing to reduce rates to achieve 15% cost savings = DEP 90% with 15% cost savings SPI).

The contracts team will add the cost savings percentage into the SPI template ensuring the total cost to DEP is correct.



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How does this affect you?

STCM SPI: You must review the cost share contractor recommendation sheet (or conditional closure agreement if RMO II elected) to determine how the work will be assigned to an ATC: include in the description section which option the owner/RP elected:

- DEP to select.
- Direct Assign.



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How does this affect you?

Deliverable Review Letters (DRL):

- **25% copayment** elected = DRL must indicate the owners cost share due to the ATC for the task; separate letter/correspondence simultaneously sent to owner/RP indicating their cost share and requirement to provide proof of payment within 40 days.
- **25% cost savings** = no change to DRL.
- **25% combination** = DRL must indicate the owners cost share due to the ATC for the task; separate letter/correspondence simultaneously sent to owner/RP indicating their cost share and requirement to provide proof of payment within 40 days.



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How does this affect you?

DRL for sites where the Agreement was executed before 2020:

- **25% copayment** = DRL must indicate the owners cost share due to the ATC for the task; separate letter/correspondence simultaneously sent to owner/RP indicating their cost share and requirement to provide proof of payment within 40 days.
- **Indigent** = no change to DRL. At the close of the discharge, you are required to notify PCPP Coordinator so the Department can determine if **cost recovery** will be sought. Indigent PCPP agreement is not transferable to a new owner.



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How does this affect you?

My owner/RP had an Agreement prior to 2020 and now they want a new PCPP Agreement:

- This is allowable. Finish a Purchase Order (PO) (the final invoice must be received) if one is open.
- Coordinate the development of a new Scope of Work (SOW)/SPI after the new agreement is executed, unless there are continuing costs, such as leasing remediation equipment or utilities.
- Notify the PCPP Coordinator of the owner/RPs request so that they may begin the process for generating and executing a new PCPP Agreement.



RESOURCES

RESOURCES:

- [PCPP – Agreement](#)
- [Cost Share Site Contractor Recommendation Sheet](#)





THANK YOU

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