

SUSTAINABLE PETROLEUM CLEANUP PROGRAM

By: Steve Hilfiker

The FDEP Bureau of Petroleum Storage Systems (BPSS) is taking pride in having a Petroleum Cleanup Program that is admired by other states throughout the country. It is a classic case study of one of the most valuable lessons in life: success can be achieved through failure. The old reimbursement program failed, but lessons learned, desire to succeed and persistence have enabled the BPSS to build a well-managed, nationally recognized petroleum cleanup program.

Backed by the legislature, who believes in the program, and funded by a minor tax on petroleum consumers, the Florida Petroleum Cleanup Program appears to be well on its way to achieving its primary goal: **sustainability**. The overall mission for the BPSS is to restore environmental quality to contaminated properties in a timely and cost effective manner. The wise administrators of the BPSS recognize that these objectives will be best served by having a close relationship with the petroleum cleanup industry.

The Second Annual BPSS Business Program Meeting was held August 7 and 8, 2001 at the Adams Mark Resort in Daytona Beach. Representatives of the BPSS and industry advanced the frequent and consistent communications that have occurred over the last two years. It is very evident that the BPSS seeks and responds to reasonable suggestions made by industry.

The Standard Operating Procedures (SOP) Manual for the program has been amended (effective date: September 1, 2001). Many of the presentations at the meeting explained the revisions, which were all aimed at improving the efficiency of the program.

To have a sustainable program, it must be efficient and productive. Environmental quality must be restored with cost efficiency. The periodic meetings enable communications to identify and improve weaknesses in the program. Responsive administrative actions improve the procedures and methods of site cleanup. Contractors are content with the program and seek to increase involvement. The labor available in the market increases to match demand. Properties are cleaned up, which pleases the public and legislature, who responds with annual funding. Program administrators responsibly manage the funds, communicate with industry, and further improve the program; a sustainable program that benefits the public, the industry, and the environment. Based on the themes and attitudes expressed at the meeting, this is currently happening and promotes a predictable future for the BPSS Petroleum Cleanup Program.

Handouts from the meeting are available on the FDEP/BPSS website (www.dep.state.fl.us/dwm/programs/pcp). Comprehensive meeting notes are available on the Florida Specifier website (www.enviro-net.com).

The meeting opened with Mr. Mike Ashey, BPSS Bureau Chief, describing the achievements made by the BPSS during the successful Fiscal Year that ended June 30, 2001. There are

currently more than twice as many sites actively in the program compared to last year. Funding appears to be sustainable at the \$120,000,000.00 per year level for at least the next three years. The overall decline in petroleum discharges in Florida over the last ten years is as good as any state in the nation. Contractors will be interested to note that the next score drop is projected for 2003 or 2004. Improvements to the BPSS records system have made file reviews easier. Documents are well organized in one location, and electronic file reviews are becoming more thorough and efficient.

Mr. Brian Dougherty explained the revisions to the SOP Manual. There will be a new template workbook for each work order, which will allow multiple field events and up to nine invoice opportunities. Streamlined site assessments and a templated reporting format are other major changes that should significantly improve the turn around times for complete assessments, report production, and report review. New "Pay for Performance" contracting options have reduced risk for contractors. The preferred vendor program improves the proposal process. Proposals for additional services can be submitted with deliverables. Numerous other improvements are described in the handouts and meeting notes referenced above.

The good news for the contractors was balanced with several matters of clarification that should reduce BPSS headaches and improve the program from the regulatory perspective. The Streamlined Assessments will reduce work orders, improve communications, and reduce report review time. Contractor's Qualifications will expire if any required insurance expires. Contractor performance has been defined and remedies for non-compliance (i.e., withholding or increasing retainage; or elimination from program) have been outlined.

Ms. Diane Pickett described improvements to (and suggestions for) the site assessment process. The recent drought has increased the complexity of assessments throughout Florida, particularly with smear zone and water table evaluations. Contractors were cautioned against over-reliance on direct push data, particularly at sites with a clay content. If a mobile laboratory is on site, decisions need to be made in the field to track down the plume. The goal of streamlined assessments is to enhance field work and field decisions so all data needed for a complete assessment can be obtained in minimal field visits and one work order.

Mr. Tom Stodd reviewed the new Site Assessment Report Template format (effective date: September 1, 2001). The template report is intended to be a complete stand-alone assessment for the site. Contractors should not get hung up on any one question, and should utilize the comments section to clarify matters that are not adequately addressed by the template. The emphasis is on graphical and tabular presentation of the data. The old way was to support the text using Tables and Figures; the new way is to support the Tables and Figures with text. The purpose is to assemble the data to make the appropriate remedial decision. Once implemented, this process should reduce time spent preparing and reviewing reports.

Mr. Michael Bland clarified some of the issues associated with the PCPP and PAC Programs. Twenty-five percent (25%) bids have been successful in PAC applications. Failure to participate in the PCPP may result in a loss of eligibility for the responsible party. Such cases would be assigned to State Contractors and the FDEP may sue for cost recovery. The FDEP has discussed

loss of eligibility and suit for cost recovery as the standard FDEP response to any eligible site that fails to cooperate with the program.

Mr. Brian Dougherty presented the new option for Pay for Performance (PfP) contracts, which is called “Two-Tier PfP”. It is offered in addition to the current Standard PfP program, and it provides some risk management measures to contractors. Elevated target levels can be established for the “first tier” of the cleanup. Contractors would then have the option to continue with PfP or switch to the pre-approval contracting method. This approach combines the benefits of PfP with reduced risk to contractors. Contractors interested in the details of this subject should study the handouts and notes referenced above.

Mr. Tom Conrardy discussed Remedial Action Initiatives and areas of emphasis for site remediation. **FDEP encourages owners to do the 2009 tank upgrades early.** Remediation may be delayed in some instances to coincide with tank upgrades. Source removal is encouraged. The Funding Allocation Program, which applies to new discharges that occurred after December 31, 1998 at eligible sites, was reviewed. Over 40 funding allocation agreement proposals are currently underway.

Mr. John Wright discussed the remediation equipment contract that was awarded to WRS in January 2001. WRS will develop and maintain a database of remedial equipment, manage two warehouses (in Tampa and Tallahassee), and maintain and repair the equipment for use at other pre-approval sites.

Numerous issues were raised in the question/answer open forum. The FDEP received feedback, and much constructive discussion regarding improvements to the program occurred. Both the BPSS administrators and the petroleum cleanup contractors are committed to this program. From that foundation, the program has evolved into a mechanism that is cleaning the Florida environment. The program appears to be strong and sustainable. The success would not have been possible without the strong relationship between government and industry that has developed over the last few years.

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