The Department of Environmental Protection Values

The vision of the Department of Environmental Protection (Department) is to create strong community partnerships while protecting Florida's natural resources and enhancing ecosystems. To do so, the DEP has published five key values that are being implemented agency wide. The values include integrity, accountability, communication, innovation, and service. This Communication Plan for Persons Responsible for Site Remediation (PRSR) provides the necessary framework for the Petroleum Restoration Program (PRP) to implement the communication portion of the Department's values. The PRSR maybe the Property Owner (PO) or Responsible Party (RP) or both (PO/RP).

Overview

The PRP has historically relied on the clean-up contractor community to communicate with PO/RP on behalf of the Department. Although the Department is ultimately responsible for administering the Inland Protection Trust Fund and the clean-up of eligible petroleum contaminated sites, the Contractor Designation Form process under the Preapproval Program (s. 376.30711, F.S.), led the contractor community to be a primary source of program information to PO/RP.

In 2014, the Legislature fundamentally shifted the manner in which the Department administers the Inland Protection Trust Fund for the remediation of petroleum contaminated sites. The Preapproval Program was repealed, including the Contractor Designation Form process, and the Department was required to competitively procure clean-up contracts for site remediation under s. 287, F.S. This shift allowed the Department to take a more proactive role in all aspects of site remediation, including contractor selection.

Site Access

Communication with the PO/RP starts with the Department establishing site access. Many POs/RPs of low-scored sites have not had any communication with the Department since they first received eligibility. With the implementation of the Low-Scored Assessment (LSA), the PO/RPs are now being contacted by the Department to establish site access. Section 9 of the Standard Operating Procedures outlines the steps the Department is taking to obtain site access, which begins with communication between the Department and the PO/RP.

Site Management

Once the site access agreement is received, reviewed and approved by the Department a PRP site manager is assigned. The most preferred method of contacting the owner is by phone, but an email will suffice. If the site manager does not have the phone number or email of the owner, they are to contact the Site Access Coordinator (Grace Rivera (850)245-8882 or Grace.Rivera@dep.state.fl.us) who will assign the site to the site access team to research and locate the contact information of the owner.

The site manager is responsible for overseeing the clean-up activities of petroleum contaminated sites, from the preparation of scopes of work through site closure. To ensure PO/RP are in communication with the Department throughout the entire process, site managers are, at a minimum, required to contact the PO/RP according to the following schedule:

1. Site Assignment - Site managers must attempt to contact the PO/RP via phone and/or email within **15 days of site manager assignment for new sites**. Site managers must provide the PO/RP with their contact information and provide a general overview of the site and the Department's objectives for the assessment and remediation of the site. The site manager must inform the PO/RP that the Department is responsible for mitigating the potential risk of contamination associated with the site. **Closure goals** should also be discussed at this time. If the site is subject to a co-payment or funding cap, this information should also be discussed. Following the completion of each Purchase Order (PO) - Once the PO is complete and the deliverable has been received by the Department, the site managers must contact the PO/RP to discuss the results of the last event and explain the next steps in site rehabilitation (closure criteria may also be discussed). The site manager will complete the Contractor Performance Evaluation Form and provide the PO/RP an opportunity to complete Section 7 of the form.
2. Pre-RAP Phase - For sites that require remedial action, the site manager will contact the PO/RP to discuss the remedial action options.
3. At any point the site manager feels a conversation with the PO/RP is necessary, then the site manager should contact them and place a record of the communication in the OCULUS file.

Risk Based Corrective Action/Communicating Closure Criteria
Section 376.3071(5)(b), F.S., provides the legislative intent to protect human health and the environment under actual circumstances of exposure using the principles of Risk Based Corrective Action (RBCA-pronounced "Rebecca"). The RBCA process considers the actual risk of the contamination and the appropriate response actions. Florida statute requires the Department to consider the following when applying RBCA to petroleum contamination:

- Exposure pathway;
- Points of compliance to adequately protect human health and environment;
- Site specific cleanup goals;
- Institutional and engineering controls to eliminate potential exposure;
- Additive and synergistic effects of contaminants;
- Current and projected use of groundwater;
- Current and projected land use;
- Exposed population;
- Degree and extent of contamination;
- Rate of migration;

- Rate of contaminant degradation;
- Plume location; and
- Potential impact to offsite properties.

Communicating the use of RBCA and site closure criteria to PO/RP is critical to ensuring the IPTF is applied first towards the facilities that pose the largest threat to human health and the environment. This information may be discussed with the PO/RP at the onset of assessment; however, it is critical that it is discussed once there is enough data to determine which closure criteria applies to the facility. To ensure the appropriate information is provided to the PO/RP, site mangers must be familiar with and prepared to discuss the criteria for No Further Action and No Further Action with Controls as specified in Ch. 62-780.680, F.A.C.

Communication Logs and Tracking

Site managers must document their conversations with the PO/RP on the attached communication log, which is a fillable form and will be uploaded into Oculus. The log must include the information the site manager provides to the owner, and the response, questions, comments the owner may have for the Department. It is important for the site manager be descriptive in the communication log so the record clearly indicates the information provided to the owner as well as the owners response. This table provides examples of sufficient and insufficient conversation details.

Sufficient Phone Log Detail	Insufficient Phone Log Detail
Phone-Left message, returned call "Discussed soil borings and well install with owner, told him to anticipate work at his site around July, owner had no questions at this time"	Email- "Emailed site owner with overview of environmental work for the site. Introduced myself and that a new scope of work is being drafted"
Email-No response Phone- "Discussed details of NAM, owner concurs"	Phone- "Discussed access agreement and e-mailed her a copy to have the owner sign"
Email – "Explained that site is LSA and will be paid for by FDEP 100% and that previous PCPP agreement would not be used. Stated that contractor would be assigned soon and that I would create a TA and send for PO ASAP. Left my contact info. Email sent at 3:33 PM" Response- "Thank you for reaching out. You can run this through me. If anything changes on our end, I will let you know. Thank You. Received: 5:13 PM; read by me on morning of 3/16/16."	Email – "I emailed the owner to introduce myself and update him on a scope of work being reviewed for his site."
Phone-"contacted owner's son, owner passed away. Discussed LSA with son, had no questions."	Email-No response

Phone- "Discussed closure options, owner did not agree with cond. closure"	Phone Call-No response

Communication logs should be submitted for approval to their Team Leader and uploaded to Oculus after initial contact (site assignment), after each PO (should also include CPE conversation), and before remedial activities. Once the site manager has completed the communication log after each of these steps, it should be routed to the Team Leader for approval. A check box is included on the form to confirm the team leader or county team leader has reviewed it. The team leader or county team leader (or appointed person) will then route the completed form back to the Site Manager for Oculus upload. The upload to Oculus should be coded as follows:

Catalog - "Storage Tanks"
Profile - "Administrative"
Document type - "Meeting Related"

The document subject will reflect "PO/RP Communication Log." **Only the communication logs inserted into OCULUS with these specific criteria will be available via query for use in evaluating site managers and consultants.**

Non-Response:
Site managers must make a concerted effort to make contact with owners via email or phone. In the event the owner is not responding to either email messages or phone calls, the site manager must still document all of the attempts in the communication log.

PO/RP Information Meeting
In order to maintain open communication between the Department and PO/RP, the Department will conduct PO/RP information meetings at least once a year.