



## Petroleum Restoration Program Free Product Recovery Initiative Guidance

Original Effective Date - June 17, 1999

Revised - January 15, 2008

Revised - May 23, 2017

The Petroleum Restoration Program (PRP) has updated the guidance for the Free Product Recovery Initiative (FPRI) under which free product recovery may be initiated as source removal in advance of the order established by the priority ranking system for site cleanup activities at sites which are eligible for State-funded cleanup.

Amendments to subsection 376.3071(5)(c), Florida Statutes (F.S.), effective June 17, 1999, authorized the PRP to encumber up to \$5,000,000 of the annual appropriation from the Inland Protection Trust Fund to fund this initiative.

Cleanup benefits from free product recovery can be substantial if the removal is conducted in a strategic and effective manner. Potential FPRI sites are not required to have a priority score above the current funding threshold for consideration. However, in the event the FPRI scope of work will exceed available annual funds, the site's priority score will be used to prioritize sites within this category.

In any fiscal year, a site may be approved for no more than \$500,000 of State-funded free product removal activity under this initiative. For purposes of this initiative, a "site" includes multiple site facilities such as airports, port facilities, and terminal facilities, even though such sites may contain more than one eligible discharge or regulated facility.

For a FPRI scope of work to be considered, a site must have an eligible discharge and meet the following criteria:

- (1) Have a priority score below the current program funding threshold, and
- (2a) Have at least two inches or more of measurable free product in a minimum of two wells/boreholes that are located a minimum of 10 feet apart, with the measurement data less than six months old to justify initiation of product recovery, or
- (2b) Have data which are greater than six months old, but less than **five years old**, which show at least two inches or more of measurable free product in a minimum of two wells/boreholes that are located a minimum of 10 feet apart to justify supplemental free product assessment. In the case of this second level of documentation, the initial scope of work should be for field verification of the current extent and thickness of free product on-site.

Any site property owner/responsible party or their representative is invited to submit a FPRI scope of work to the PRP if the site meets the criteria listed above. A cover

letter must be provided that clearly requests the site's participation in the FPRI. A completed DEP site access agreement must be received and approved before any product recovery activities funded by the FPRI can be initiated. The standard PRP Scope of Work and Schedule of Pay Item Templates should be used for free product recovery activities.

If there is no site information on the extent and thickness of free product at the site or if the information is greater than five years old, the site property owner/responsible party or their representative will want to verify the extent of free product in existing monitoring wells prior to submittal of the request for participation and scope of work. However, the cost for such preliminary fieldwork incurred prior to execution of a purchase order will not be paid by the PRP.

There may be a case where the amount of product is substantial enough to justify design of a continuously operating product recovery system, most likely at terminals, bulk facilities, and similar facilities. In this instance, an appropriate Limited Scope RAP and operation & maintenance scope of work should be selected from the PRP Schedule of Pay items template. Such systems should be designed primarily for product recovery under the source removal phase and not for general site remediation. Similarly, in some limited instances of substantial free product and a shallow groundwater table, it may be possible to demonstrate in a Limited Scope RAP that the most cost-effective means to remove the product is by excavation. The excavation's main purpose should be to remove the free product and product saturated soil. Situations where removal of large amounts of overburden is required to address a small area of free product should be avoided.

Site owners and/or responsible parties are encouraged to take advantage of this initiative. Free product removal conducted at a site that will not have general cleanup funding available for several years can significantly reduce the overall cost of site remediation. This is because removal of free product that is creating and maintaining a dissolved phase contaminant plume will allow the plume to be significantly reduced through natural attenuation in the interim period until funding for the remainder of the site cleanup is available. This benefit deserves special consideration by responsible parties for lower priority sites that have funding cap limits (i.e., PLRIP and PCPP sites) that might otherwise subject the responsible party to payment of any remaining cleanup costs to meet closure criteria (including the Low-Scored Site Initiative type of closure, or No Further Action with or without controls) after the state funding cap is reached. In such cases, responsible parties may benefit greatly by participation in the FPRI in order to reduce their own potential cleanup costs. Additionally, participation in the initiative may reduce third party liability concerns for responsible parties with lower priority sites with off-site contamination while the site is waiting state funding for general site cleanup.

Any state funds expended on a site under this initiative would apply against the

funding cap. Payment of any unpaid deductibles under PLRIP or the signing of the formal "Agreement for Petroleum Cleanup Participation Program" under PCPP would not be required of the responsible party until the site comes into funding range for other assessment and cleanup activities based on its priority score. However, prior to commencement of free product recovery activities at PCPP eligible sites, the owner, operator or other responsible person must commit in writing to be responsible for payment of 25% of the total costs of free product recovery activities (*payment of which may be reduced or eliminated under the provisions of Section 376.3071(13) (c), F.S.*) when the site comes into funding range for additional cleanup activities. The PRP will require payment of this amount, or demonstration of inability or reduced ability to pay this amount, at the time of execution of the "Agreement for Petroleum Cleanup Participation Program". Because of this deferment of payment of the PCPP 25% cost share, it will not be possible at sites with PCPP eligibility to issue purchase orders for substantial free product actions, such as installing and operating a product recovery system which necessitates regular O&M service, or excavation, which would use up the majority of the funds available under the PCPP funding cap.

Cover letters requesting participation in the FPRI and the scope of work for product recovery in a contracted local county program area may be submitted directly to the contracted local county program office. All other cover letter requests for participation and product recovery scopes of work should be submitted to Matthew McCoy (matt.mccoy@dep.state.fl.us) of PRP in Tallahassee, mail station 4580. Any questions on free product recovery actions to be conducted under this initiative may be directed to John Wright at (850) 245-8888 or Matthew McCoy at (850) 245-8918.