



Florida Department of Environmental Protection

Petroleum Restoration Program

Notice of Contamination

2017 PRP Workshop

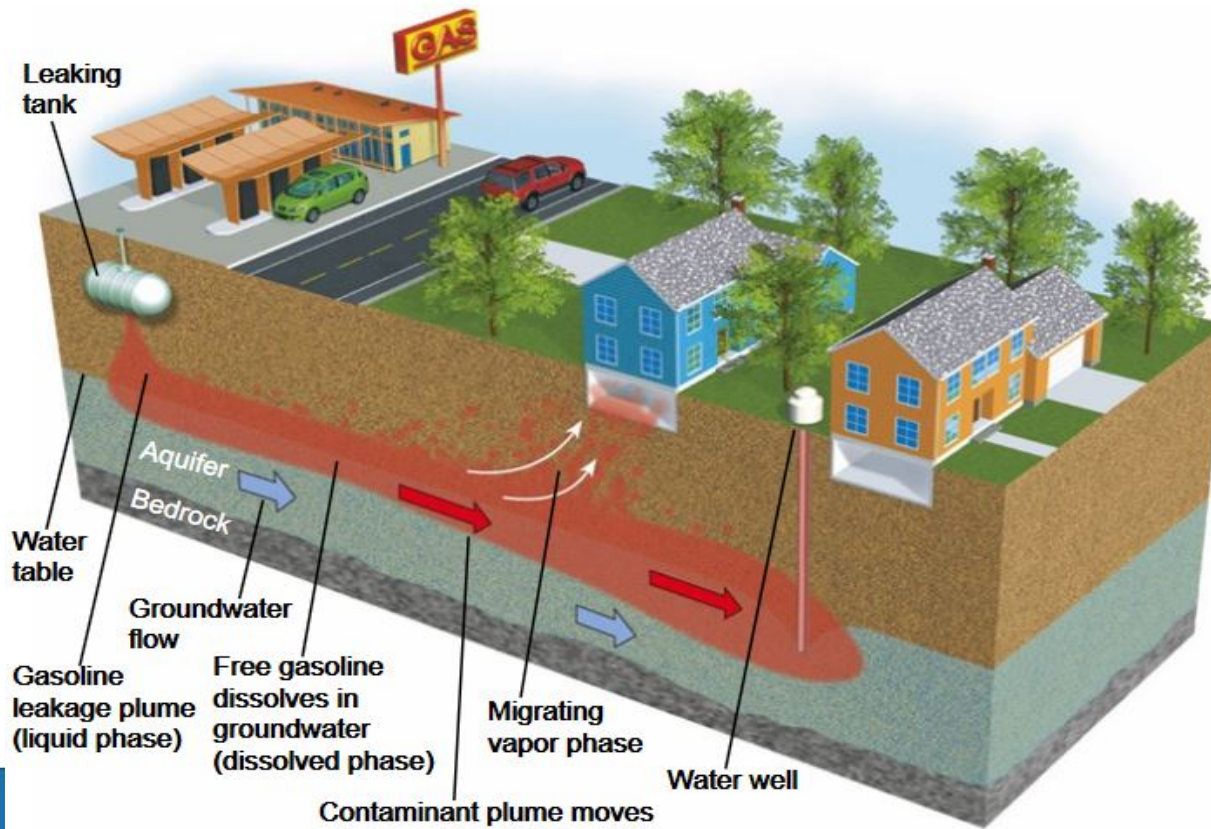




Notice of Contamination

Why Do We Need To Do it?

- Section 376.30701(2)(b), Florida Statutes (F.S) and Rule 62-780.220 require the Person Responsible for Site Rehabilitation (PRSR), its agent, or other representatives to provide actual notice to the FDEP as soon as possible, or no later than 10 days.
- In some cases, it may help to obtain off-site access.
- It is the right thing to do!





- How will it be delivered?
- Actual notice: Notice of Contamination delivered in written form mailed by “Certified Mail, Return Receipt Requested” or other forms of delivery that provide confirmation of receipt.
- Constructive notice: A one-time published notice in a standard-size newspaper of general circulation. Such constructive notice is not required for site rehabilitation being conducted for petroleum or petroleum products contamination that are not associated with a brownfield site.



Types of Notices

- For Funded Sites, there are five types of notification required by Florida statutes and Department rules that are performed by the PRSR or the School Board, as applicable:
 - Initial Notice of Contamination Beyond Property Boundaries, Chapter 62-780.220(2), F.A.C.
 - Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC) Chapter 62-780.220(3), F.A.C.
 - Status update 5-Year noticing for INOC and TPOC, Chapter 62-780.220(4), F.A.C.
 - Required Notice for schools to teachers and parents or guardians of students by the district school board when contamination is discovered at certain school properties, Chapter 62-780.220(6), F.A.C.
 - Required Notice for conditional closure using institutional controls, engineering controls or alternative CTLs Chapter 62-780.220(7), F.A.C.



Initial Notice of Contamination

- Who Will Perform the Notification?
- The PRSR, its agent, or other representatives shall provide Actual Notice to the FDEP as soon as possible, or no later than 10 days. This is one of the site manager's responsibilities for funded sites.
- The notice shall be provided with Form 62-780.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries", effective date 6-12-13.

- What to include in a Noticing Package?
- Specific requirements are listed in the form:
- [62-780.900\(1\).doc](#)
- Complete and attach "Contaminant Data Tables" for each contaminated medium (groundwater, soil, surface water or sediment):
- [ContaminationNotificationDataTables-Petroleum-051005.xls](#)
 - Sample locations & dates
 - Names of COCs detected above CTLs
 - The corresponding CTL
 - If multiple CTLs are exceeded, list health-based CTL
- Include a vicinity map that shows the locations of the samples collected on the offsite properties, dates and types of samples collected, analytical results and property boundaries.
- Use the Checklist:
- [State-Funded Contamination Noticing Checklist-111408.doc](#)



Initial Notice of Contamination

- Examples of INOC Package Items that were not prepared correctly:
 - [FIGURE -1.pdf](#) Identifying Property Boundaries
 - [FIGURE - 2.pdf](#) No Plume Maps Based on OVA/FID
 - [FIGURE-3.pdf](#) Identifying Well Locations Used
 - [FIGURE 4.pdf](#) Identifying Plume
 - [FIGURE.pdf](#) Providing Plume Maps for Reports that were Signed and Sealed.
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- Where to send the Noticing Packages:
 - Provide a copy of notice to:
 - FDEP-DWM (original)
 - The DEP District
 - County Health Department (Environmental Health Director)
 - Lessees and Tenants of the Cleanup Site Property Concurrent
 - Note: copy to lessees & tenants excludes off-site property information (page two of Form)



Initial Notice of Contamination

- York's Roles:
- Review files received from PRSR
- QA file including maps, tables, property ownership records
- Update OCULUS
- Send out noticing letters in weekly mail-out

- Please note that YORK is not tasked to do technical reviews or make technical decisions. Make sure that the package submitted has the correct data and the necessary documentation.



Temporary Point of Compliance (TPOC) Noticing

What is TPOC Noticing and Why do we need to do it?

Subsequent Notice of Contamination beyond property boundary is also known as Temporary Point of Compliance (TPOC) noticing.

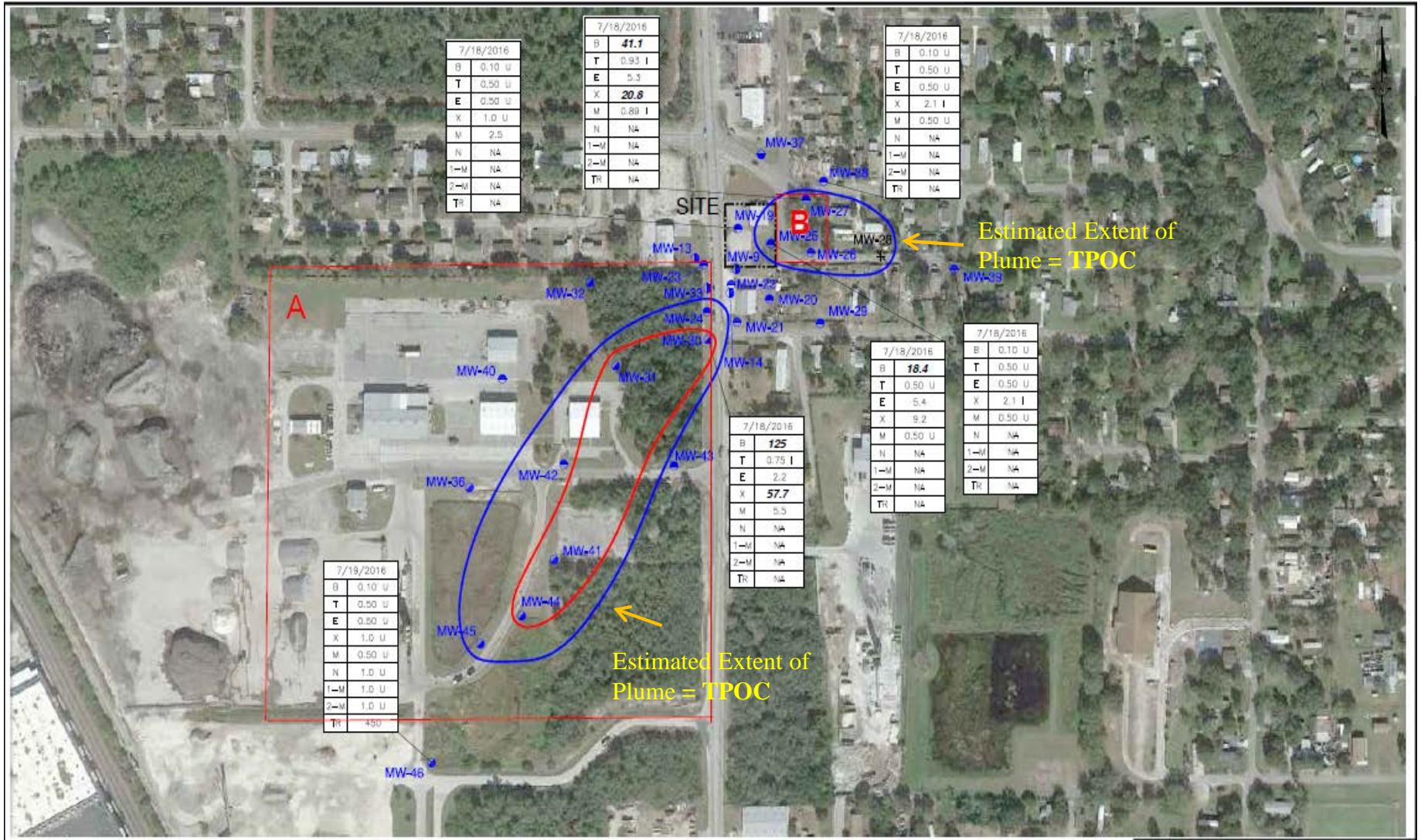
By establishing a TPOC, the RP is accepting responsibility for site rehabilitation of all properties within the TPOC line.

TPOC noticing is required prior to a Natural Attenuation Monitoring Plan (NAMP) or Remedial Action Plan (RAP) Approval Order being issued if contamination extends beyond the source property.

Actual notice is required for funded petroleum sites (there is an exemption for TPOC constructive noticing for petroleum sites not associated with a brownfield site [62-780.220(3)(b)]).



Establishing Temporary Point of Compliance for Noticing





Establishing Temporary Point of Compliance and Noticing

Steps:

- RAP or NAMP with a proposed TPOC.
- Plan and proposed TPOC are found acceptable by the Department.
- PRSR sends the TPOC notice letters.
- 30-day comment period.
- RAP or NAMP with a TPOC issues an approval order or
- Changes are made to the TPOC and the PRSR sends revised TPOC notice letter to new properties included within the revised TPOC.
- If a different remedy is selected, the PRSR must issue a new TPOC notice to all parties within the TPOC boundary.



TPOC – Actual Notice

Actual Notice Requirements:

- Certified Mail, Return Receipt Requested or
- Other form of delivery that provides confirmation of receipt

Actual Notice Should Sent to:

- County Health Department
- Local Governments and
- All owners of any real property into which the point of compliance is allowed to extend

Who Will Prepare and Mail the Actual Notice?

- Site Manager prepares a TPOC package or
- Site Manager authorizes the ATCs to prepare a TPOC package by approving the SPI Line Item 1-3 (Notice of Discovery of Contamination Package, Initial or TPOC)



TPOC Package Includes:

- A Temporary Point of Compliance (TPOC) form letter
- A plume map showing the TPOC well location and properties that are in the plume area.

<http://www.floridadep.gov/waste/district-business-support/content/public-notification-discovery-contamination>



Follow-up for INOC and Status Update For TPOC

Follow-up for Initial Notice of Contamination

York will prepare and send a follow-up information letter to the same property owners five years from the original notice unless there is already a TPOC notice in place or the site has received an SRCO.

Status Update Notice for TPOC

Additional TPOC notices must be provided:

- Once every five years, updating the status of site rehabilitation to the same classes of persons who received the first TPOC notice, unless they have been informed that the contamination no longer affects their property.



Notice Requirements For School Properties

- If contamination is discovered at a school site (*originated or migrated*) as defined in Section 1003.10, F.S., DEP must send notice to the chair of the school board,
- “School site” is defined as K-12 public schools, charter schools and schools that include McKay Scholarship students,
- Notice directs the school board to provide actual notice to teachers and parents or guardians of students attending school during the period of site rehabilitation,
- The school board shall continue to provide actual notice annually, or more frequently as needed,
- Notice from the school board to teachers and parents or guardians of students must include the same information as found in the “Initial of the Discovery of Contamination”,
- Notice shall include sources of additional information and a phone number for inquiries,

Site Managers should submit the information to DWM/PRP when contamination is discovered at the school site (*public or private*).



Notice For School Properties

The Site Manager is Expected to:

- Prepare a short site-historical summary
- Include a site map showing the locations of contaminated media, monitoring wells and soil borings
- Include a Contamination Data Table
- Send the above materials to PRP / York Contract Manager to be forwarded to York

The Department notifies the chair of the school board of the district in which the property is located that the school board is required to take action. York (Administrative Contract) is tasked to prepare the notification letters based on the information provided and mail them out.



Expanded Notification for State-Funded Sites When the Department Acts as PRSR

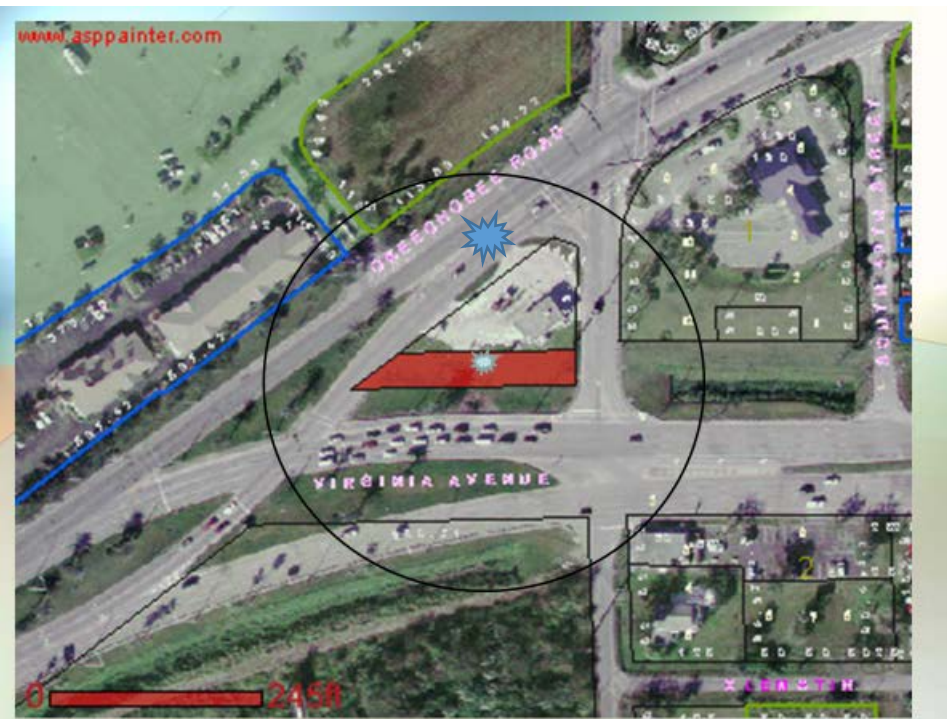
State-Funded cleanup sites are subject to “Expanded Initial Notice” per DWM Guidance: [Guidance for Contamination Notification-November14,2008.pdf](#)

Types of Sites Subject to Expanded Initial Notice:

- Properties “suspected” of being contaminated above CTLs in any media based on a plume map signed and sealed by a Fla. licensed P.G. or P.E.
 - *Site Managers are required to identify these properties*
[FIGURE 4.pdf](#)
- If a plume map is not yet available, properties within a “250-Foot Radius” of the location of each “confirmed” off-site sample (*GW or SW only*)
 - *York will identify these properties*



Expanded Notification for State-Funded Sites





Reminders for All Types of Notification

- A TPOC well does not need to be BDL. If it is clean enough to consider plume delineation complete (very low levels), then it is OK to use as a TPOC.
- Inactive eligible state-funded cleanup sites are not subject to the notification requirements while waiting for the availability of state funding in priority order.
- Any person receiving a TPOC notice has the opportunity to comment on the Department's proposed action within 30 days of receipt of the notice.
- A constructive notice (one-time newspaper publication) requirement does not apply to petroleum sites unless when deemed necessary.
- If multiple CTLs are exceeded, list only health-based CTL.
- If you try to wait until you have a plume map to provide "initial notice," be aware that the law does not provide for that and please remember the statutory timeframes.
- Team leaders or a designated person should review the prepared packages prior to sending them to us.
- Make sure that your site owners (source property) know who is the site manager to call when they receive notification letters,
- If the ATC did not provide complete deliverable, make sure that that will be reflected in their CPE.



Links to Related Forms and Documents

Please note that a new DWM/PRP web site is under construction and the links provided are subject to change.

<https://www.floridadep.gov/waste/petroleum-restoration>

Goals on
maintain high

current
able discharge
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7 resources

Program be



[Guidance for Contamination Notification](#)

Property Owner Notification List Updated: November 14, 2008



Links to Related Forms and Documents

- Initial Notification of Contamination Beyond Property Boundaries (62-780.900(1)) Form, TPOC Letters and guidance are located on our website at the following link:
- <http://www.floridadep.gov/waste/petroleum-restoration/content/rules-and-statutes>
- [State-Funded Contamination Noticing Checklist-111408.doc](#)

- We also have the following power-point presentations, found in our common drive that you may find them useful:
- Contamination Notification Training Overview-CW-032509
- How to Prepare a INOC Package-Altun 8-7-2012

- If it becomes too complicated, please give me a call at 850/245-8868 or e-mail
- me at Melike.Altun@dep.state.fl.us