



Florida Department of
Environmental Protection

Memorandum

TO: Petroleum Restoration Program Staff
Agency Term Contractors
Interested Parties

THROUGH: F. Joseph Ullo, P.E., Director 
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THROUGH: Diane Pickett, P.G., Program Administrator
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DATE: December 16, 2016

SUBJECT: Performance Standards for State-Funded Investigations
Near Petroleum Storage Systems and Utilities¹

Investigation Near Storage Tanks

When the PRP tasks a contractor to conduct work within 10 feet of an underground storage tank system (defined in R. 62-761.200(63), F.A.C.), it does so because these areas are potential source areas for petroleum discharges and are typically the prime areas that need investigation. Most investigations at petroleum contaminated sites should begin with borings surrounding and adjacent to the potential source areas. The PRP requires these baseline borings to be installed within three feet of active storage tanks, piping, and dispensers that may have contributed to contamination (if pea gravel is encountered during investigations around active systems, then another offset boring should be attempted). Borings placed at a greater distance may miss contamination from that source. In a few cases, additional borings/wells closer than three feet to the storage tank system may be necessary based on information gathered from baseline borings. However, additional borings/wells should not be installed in the area around the storage tank with pea gravel unless the information gathered from them is necessary for making remedial decisions.

Standard of Care Research- Storage Tanks & Piping

Contractors are expected, under the standard of care as outlined in the Agency Term Contract (see paragraph 3), to conduct the necessary research to determine the location of storage tanks and storage tank piping and then use caution when performing intrusive work around those systems. See Attachment A (V2.0) Scope of Services -Section V, Subsection B.2, Pay Item 2. As part of researching the location of storage tanks and piping, contractors are expected, at minimum, to:

¹ This replaces DEP Guidance Document and Form in Attachment A #44, "Investigations Near Petroleum Storage System" (9/25/00).

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1. review the Department's storage tank files;
2. depending on site-specific circumstances, contact the appropriate entities including, but not limited to, the current or prior property or tank owner, tenants, neighboring businesses or persons who may be knowledgeable about the property, or building department(s), as appropriate;
3. follow-up on any leads provided from the above inquiries; and
4. maintain documentation of this research.

Standard of Care Research- Utilities

Where the contractor's operations could cause damage or inconvenience to telephone, fiber optic, television, electrical power, oil, gas, water, sewer, or irrigation systems, the contractor shall make all arrangements necessary for the protection of these utilities and services or any other known utilities. See the Amended & Restated Agency Term Contract, Attachment A, Scope of Services III.A.1-3., C.3., V.A.4. and Chapter 556, Florida Statutes. Contractors are expected, at minimum, to:

1. review the Department's storage tank files;
2. contact www.sunshine811.com for the utilities to mark the location of their line at least 48 hours in advance of intrusive work;
3. depending on site specific circumstances, contact the current or prior property owner, tenant, or other persons who may be knowledgeable about the location of utilities;
4. comply with the appropriate Florida Department of Transportation permit (or local government permit) when state-owned underground facilities are located within the right-of-way of a state (or local) highway; and,
5. maintain documentation of this research.

Standard of Care During Work

Due to the absence or possible inaccuracy of information obtained from the research discussed above, contractors are expected to use slow and cautious hand extraction of at least the first four feet of borings/wells (more, if appropriate, based on as-builts or other site-specific data) when working in areas that may be near storage tanks, piping, and utilities. Since the current schedule of pay items (SPI) for soil boring include hand extraction of the top four feet below land surface for utility clearance prior to drill rig usage (see Agency Term Contract, Attachment A, section V.B.5.c), PRP will not pay additional sums to perform this standard work.

Vacuum extraction and electromagnetic sensing techniques have been evaluated by the Department and will not be approved as alternative mechanisms unless the situation is quite unique or extraordinary.

Rapid Response to Damage

While performing PRP funded subsurface investigations, if any part of a storage system is damaged, contractors are expected to immediately reduce the damage and control any discharge, including obtaining any subcontractors needed to assist with that work. The contractor must assure that the property owner, the property owner's representative, the storage tank system owner (if different from the property owner), the tenant (if any), and the PRP site manager are

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notified as soon as possible.² Likewise, if a utility is damaged the contractor must comply with Section 556.105, F.S. and must assure that the property owner, the property owner's representative, the utility and, if applicable, the local government are notified as soon as possible. If emergency personnel should be notified (e.g., fire or police), contractor must assure they are notified. The contractor must keep the parties, including the site manager,³ informed as to the progress of repairs.

Contractor must timely inform its insurance carrier, if applicable, so a claim for coverage is not waived for failure to timely inform the carrier. Alternatively, Contractor must inform the Department of the alternative mechanism (such as a performance bond) upon which Contractor shall rely to finance any and all repairs approved by the Department.

² It is the storage tank system owner's responsibility to notify the DEP or their county representative within 24 hours or before the close of the County's next business day with an Incident Notification Form 62-761.900(6) or, if a discharge occurred, a Discharge Report Form 62-761.900(1) per Rule 761.450(2) and (3), Florida Administrative Code. Notification of insurer is also appropriate as soon as possible after notice of the incident or discharge.

³ Department site manager will immediately inform appropriate Department supervisors.