

1 A bill to be entitled
2 An act relating to the Petroleum Restoration Program;
3 amending s. 376.305, F.S.; expanding the definition of
4 "abandoned petroleum storage system" to include
5 petroleum systems that stored petroleum products
6 during a certain timeframe; amending s. 376.30701,
7 F.S.; requiring the Department of Environmental
8 Protection to establish standards and criteria for
9 specific situations in which the national standard for
10 benzene applies; amending s. 376.3071, F.S.; removing
11 the requirement for the department to incorporate
12 risk-based corrective action principles in certain
13 rule criteria; prohibiting site rehabilitation from
14 being implemented on certain sites without the
15 approval of the site owner or the person responsible
16 for the site rehabilitation; requiring the department
17 to establish by rule a procedure for the processing of
18 certain invoices; requiring the department to
19 establish rules requiring work tasks for remediation
20 systems to be based on performance-based contracts;
21 authorizing site owners and operators to select a
22 contractor under certain circumstances; clarifying
23 that a change in ownership does not preclude a site
24 from entering into the program; revising the
25 eligibility requirements for receiving rehabilitation
26 funding assistance; deleting obsolete provisions;

27 | amending s. 376.30713, F.S.; revising the number of
 28 | sites necessary to meet the eligibility requirement
 29 | for an advanced cleanup application; increasing the
 30 | total amount for which the department may contract for
 31 | advanced cleanup work in a fiscal year; providing an
 32 | effective date.

33 |

34 | Be It Enacted by the Legislature of the State of Florida:

35 |

36 | Section 1. Subsection (6) of section 376.305, Florida
 37 | Statutes, is amended to read:

38 | 376.305 Removal of prohibited discharges.—

39 | (6) The Legislature created the Abandoned Tank Restoration
 40 | Program in response to the need to provide financial assistance
 41 | for cleanup of sites that have abandoned petroleum storage
 42 | systems. For purposes of this subsection, the term "abandoned
 43 | petroleum storage system" means a petroleum storage system that
 44 | has not stored petroleum products for consumption, use, or sale
 45 | since January 1, 1999 ~~March 1, 1990~~. The department shall
 46 | establish the Abandoned Tank Restoration Program to facilitate
 47 | the restoration of sites contaminated by abandoned petroleum
 48 | storage systems.

49 | (a) To be included in the program:

50 | 1. An application must be submitted to the department by
 51 | June 30, 1996, certifying that the system has not stored
 52 | petroleum products for consumption, use, or sale at the facility

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53 since January 1, 1999 ~~March 1, 1990~~.

54 2. The owner or operator of the petroleum storage system
55 when it was in service must have ceased conducting business
56 involving consumption, use, or sale of petroleum products at
57 that facility on or before January 1, 1999 ~~March 1, 1990~~.

58 3. The site is not otherwise eligible for the cleanup
59 programs pursuant to s. 376.3071 or s. 376.3072.

60 (b) In order to be eligible for the program, petroleum
61 storage systems from which a discharge occurred must be closed
62 pursuant to department rules before an eligibility
63 determination. However, if the department determines that the
64 owner of the facility cannot financially comply with the
65 department's petroleum storage system closure requirements and
66 all other eligibility requirements are met, the petroleum
67 storage system closure requirements shall be waived. The
68 department shall take into consideration the owner's net worth
69 and the economic impact on the owner in making the determination
70 of the owner's financial ability. The June 30, 1996, application
71 deadline shall be waived for owners who cannot financially
72 comply.

73 (c) Sites accepted in the program are eligible for site
74 rehabilitation funding as provided in s. 376.3071.

75 (d) The following sites are excluded from eligibility:

- 76 1. Sites on property of the Federal Government;
77 2. Sites contaminated by pollutants that are not petroleum
78 products;

79 | 3. Sites where the department has been denied site access;

80 | or

81 | 4. Sites which are owned by a person who had knowledge of
 82 | the polluting condition when title was acquired unless the
 83 | person acquired title to the site after issuance of a notice of
 84 | site eligibility by the department.

85 | (e) Participating sites are subject to a deductible as
 86 | determined by rule, not to exceed \$10,000.

87 |
 88 | This subsection does not relieve a person who has acquired title
 89 | after July 1, 1992, from the duty to establish by a
 90 | preponderance of the evidence that he or she undertook, at the
 91 | time of acquisition, all appropriate inquiry into the previous
 92 | ownership and use of the property consistent with good
 93 | commercial or customary practice in an effort to minimize
 94 | liability, as required by s. 376.308(1)(c).

95 | Section 2. Paragraph (g) of subsection (2) of section
 96 | 376.30701, Florida Statutes, is amended to read:

97 | 376.30701 Application of risk-based corrective action
 98 | principles to contaminated sites; applicability; legislative
 99 | intent; rulemaking authority; contamination cleanup criteria;
 100 | limitations; reopeners.—

101 | (2) INTENT; RULEMAKING AUTHORITY; CLEANUP CRITERIA.—It is
 102 | the intent of the Legislature to protect the health of all
 103 | people under actual circumstances of exposure. By July 1, 2004,
 104 | the secretary of the department shall establish criteria by rule

105 for the purpose of determining, on a site-specific basis, the
106 rehabilitation program tasks that comprise a site rehabilitation
107 program, including a voluntary site rehabilitation program, and
108 the level at which a rehabilitation program task and a site
109 rehabilitation program may be deemed completed. In establishing
110 these rules, the department shall apply, to the maximum extent
111 feasible, a risk-based corrective action process to achieve
112 protection of human health and safety and the environment in a
113 cost-effective manner based on the principles set forth in this
114 subsection. These rules shall prescribe a phased risk-based
115 corrective action process that is iterative and that tailors
116 site rehabilitation tasks to site-specific conditions and risks.
117 The department and the person responsible for site
118 rehabilitation are encouraged to establish decision points at
119 which risk management decisions will be made. The department
120 shall provide an early decision, when requested, regarding
121 applicable exposure factors and a risk management approach based
122 on the current and future land use at the site. These rules
123 shall also include protocols for the use of natural attenuation,
124 the use of institutional and engineering controls, and the
125 issuance of "No Further Action" orders. The criteria for
126 determining what constitutes a rehabilitation program task or
127 completion of a site rehabilitation program task or site
128 rehabilitation program, including a voluntary site
129 rehabilitation program, must:

130 (g) Apply state water quality standards as follows:

131 1. Cleanup target levels for each contaminant found in
132 groundwater shall be the applicable state water quality
133 standards. Where such standards do not exist, the cleanup target
134 levels for groundwater shall be based on the minimum criteria
135 specified in department rule. The department shall apply the
136 following, as appropriate, in establishing the applicable
137 cleanup target levels: calculations using a lifetime cancer risk
138 level of 1.0E-6; a hazard index of 1 or less; the best
139 achievable detection limit; and nuisance, organoleptic, and
140 aesthetic considerations. The department shall establish
141 standards and criteria for specific situations in which the
142 national standard of 5 parts per billion (ppb) for benzene is
143 applicable. However, the department shall not require site
144 rehabilitation to achieve a cleanup target level for any
145 individual contaminant that is more stringent than the site-
146 specific, naturally occurring background concentration for that
147 contaminant.

148 2. Where surface waters are exposed to contaminated
149 groundwater, the cleanup target levels for the contaminants
150 shall be based on the more protective of the groundwater or
151 surface water standards as established by department rule. The
152 point of measuring compliance with the surface water standards
153 shall be in the groundwater immediately adjacent to the surface
154 water body.

155 3. Using risk-based corrective action principles, the
156 department shall approve alternative cleanup target levels in

157 conjunction with institutional and engineering controls, if
158 needed, based upon an applicant's demonstration, using site-
159 specific data, modeling results, risk assessment studies, risk
160 reduction techniques, or a combination thereof, that human
161 health, public safety, and the environment are protected to the
162 same degree as provided in subparagraphs 1. and 2. Where a state
163 water quality standard is applicable, a deviation may not result
164 in the application of cleanup target levels more stringent than
165 the standard. In determining whether it is appropriate to
166 establish alternative cleanup target levels at a site, the
167 department must consider the effectiveness of source removal, if
168 any, that has been completed at the site and the practical
169 likelihood of the use of low yield or poor quality groundwater,
170 the use of groundwater near marine surface water bodies, the
171 current and projected use of the affected groundwater in the
172 vicinity of the site, or the use of groundwater in the immediate
173 vicinity of the contaminated area, where it has been
174 demonstrated that the groundwater contamination is not migrating
175 away from such localized source, provided human health, public
176 safety, and the environment are protected. Groundwater resource
177 protection remains the ultimate goal of cleanup, particularly in
178 light of the state's continued growth and consequent demands for
179 drinking water resources. The Legislature recognizes the need
180 for a protective yet flexible cleanup approach that risk-based
181 corrective action provides. Only where it is appropriate on a
182 site-specific basis, using the criteria in this paragraph and

183 careful evaluation by the department, shall proposed alternative
184 cleanup target levels be approved.

185

186 The department shall require source removal as a risk reduction
187 measure if warranted and cost-effective. Once source removal at
188 a site is complete, the department shall reevaluate the site to
189 determine the degree of active cleanup needed to continue.

190 Further, the department shall determine if the reevaluated site
191 qualifies for monitoring only or if no further action is
192 required to rehabilitate the site. If additional site
193 rehabilitation is necessary to reach "No Further Action" status,
194 the department is encouraged to utilize natural attenuation and
195 monitoring where site conditions warrant.

196 Section 3. Paragraph (b) of subsection (5), paragraph (d)
197 of subsection (6), and subsection (13) of section 376.3071,
198 Florida Statutes, are amended, and paragraph (n) is added to
199 subsection (6) of that section, to read:

200 376.3071 Inland Protection Trust Fund; creation; purposes;
201 funding.—

202 (5) SITE SELECTION AND CLEANUP CRITERIA.—

203 (b) It is the intent of the Legislature to protect the
204 health of all people under actual circumstances of exposure. The
205 secretary shall establish criteria by rule for the purpose of
206 determining, on a site-specific basis, the rehabilitation
207 program tasks that comprise a site rehabilitation program and
208 the level at which a rehabilitation program task and a site

209 | rehabilitation program are completed. ~~In establishing the rule,~~
210 | ~~the department shall incorporate, to the maximum extent~~
211 | ~~feasible, risk-based corrective action principles to achieve~~
212 | ~~protection of the public health, safety, and welfare, water~~
213 | ~~resources, and the environment in a cost-effective manner as~~
214 | ~~provided in this subsection.~~ Criteria for determining what
215 | constitutes a rehabilitation program task or completion of site
216 | rehabilitation program tasks and site rehabilitation programs
217 | shall be based upon the factors set forth in paragraph (a) and
218 | the following additional factors:

219 | 1. The current exposure and potential risk of exposure to
220 | humans and the environment including multiple pathways of
221 | exposure.

222 | 2. The appropriate point of compliance with cleanup target
223 | levels for petroleum products' chemicals of concern. The point
224 | of compliance shall be at the source of the petroleum
225 | contamination. However, the department may temporarily move the
226 | point of compliance to the boundary of the property, or to the
227 | edge of the plume when the plume is within the property
228 | boundary, while cleanup, including cleanup through natural
229 | attenuation processes in conjunction with appropriate
230 | monitoring, is proceeding. The department may also, pursuant to
231 | criteria provided for in this paragraph, temporarily extend the
232 | point of compliance beyond the property boundary with
233 | appropriate monitoring, if such extension is needed to
234 | facilitate natural attenuation or to address the current

235 conditions of the plume, if the public health, safety, and
236 welfare, water resources, and the environment are adequately
237 protected. Temporary extension of the point of compliance beyond
238 the property boundary, as provided in this subparagraph, must
239 include notice to local governments and owners of any property
240 into which the point of compliance is allowed to extend.

241 3. The appropriate site-specific cleanup goal. The site-
242 specific cleanup goal shall be that all petroleum contamination
243 sites ultimately achieve the applicable cleanup target levels
244 provided in this paragraph. However, the department may allow
245 concentrations of the petroleum products' chemicals of concern
246 to temporarily exceed the applicable cleanup target levels while
247 cleanup, including cleanup through natural attenuation processes
248 in conjunction with appropriate monitoring, is proceeding, if
249 the public health, safety, and welfare, water resources, and the
250 environment are adequately protected.

251 4. The appropriateness of using institutional or
252 engineering controls. Site rehabilitation programs may include
253 the use of institutional or engineering controls to eliminate
254 the potential exposure to petroleum products' chemicals of
255 concern to humans or the environment. Use of such controls must
256 have prior department approval and may not be acquired with
257 moneys from the fund. When institutional or engineering controls
258 are implemented to control exposure, the removal of such
259 controls must have prior department approval and must be
260 accompanied immediately by the resumption of active cleanup or

261 other approved controls unless cleanup target levels pursuant to
262 this paragraph have been achieved. Site rehabilitation for a
263 site that qualifies for a conditional closure or closure with
264 institutional or engineering controls that require deed
265 restrictions may be implemented only with the approval of the
266 site owner or the person responsible for the site
267 rehabilitation.

268 5. The additive effects of the petroleum products'
269 chemicals of concern. The synergistic effects of petroleum
270 products' chemicals of concern must also be considered when the
271 scientific data becomes available.

272 6. Individual site characteristics which must include, but
273 not be limited to, the current and projected use of the affected
274 groundwater in the vicinity of the site, current and projected
275 land uses of the area affected by the contamination, the exposed
276 population, the degree and extent of contamination, the rate of
277 contaminant migration, the apparent or potential rate of
278 contaminant degradation through natural attenuation processes,
279 the location of the plume, and the potential for further
280 migration in relation to site property boundaries.

281 7. Applicable state water quality standards.

282 a. Cleanup target levels for petroleum products' chemicals
283 of concern found in groundwater shall be the applicable state
284 water quality standards. Where such standards do not exist, the
285 cleanup target levels for groundwater shall be based on the
286 minimum criteria specified in department rule. The department

287 shall consider the following, as appropriate, in establishing
288 the applicable minimum criteria: calculations using a lifetime
289 cancer risk level of 1.0E-6; a hazard index of 1 or less; the
290 best achievable detection limit; the naturally occurring
291 background concentration; or nuisance, organoleptic, and
292 aesthetic considerations.

293 b. Where surface waters are exposed to petroleum
294 contaminated groundwater, the cleanup target levels for the
295 petroleum products' chemicals of concern shall be based on the
296 surface water standards as established by department rule. The
297 point of measuring compliance with the surface water standards
298 shall be in the groundwater immediately adjacent to the surface
299 water body.

300 8. Whether deviation from state water quality standards or
301 from established criteria is appropriate. The department may
302 issue a "No Further Action Order" based upon the degree to which
303 the desired cleanup target level is achievable and can be
304 reasonably and cost-effectively implemented within available
305 technologies or engineering and institutional control
306 strategies. Where a state water quality standard is applicable,
307 a deviation may not result in the application of cleanup target
308 levels more stringent than the standard. In determining whether
309 it is appropriate to establish alternate cleanup target levels
310 at a site, the department may consider the effectiveness of
311 source removal that has been completed at the site and the
312 practical likelihood of the use of low yield or poor quality

313 groundwater; the use of groundwater near marine surface water
314 bodies; the current and projected use of the affected
315 groundwater in the vicinity of the site; or the use of
316 groundwater in the immediate vicinity of the storage tank area,
317 where it has been demonstrated that the groundwater
318 contamination is not migrating away from such localized source,
319 if the public health, safety, and welfare, water resources, and
320 the environment are adequately protected.

321 9. Appropriate cleanup target levels for soils.

322 a. In establishing soil cleanup target levels for human
323 exposure to petroleum products' chemicals of concern found in
324 soils from the land surface to 2 feet below land surface, the
325 department shall consider the following, as appropriate:
326 calculations using a lifetime cancer risk level of 1.0E-6; a
327 hazard index of 1 or less; the best achievable detection limit;
328 or the naturally occurring background concentration.

329 b. Leachability-based soil target levels shall be based on
330 protection of the groundwater cleanup target levels or the
331 alternate cleanup target levels for groundwater established
332 pursuant to this paragraph, as appropriate. Source removal and
333 other cost-effective alternatives that are technologically
334 feasible shall be considered in achieving the leachability soil
335 target levels established by the department. The leachability
336 goals do not apply if the department determines, based upon
337 individual site characteristics, that petroleum products'
338 chemicals of concern will not leach into the groundwater at

339 levels which pose a threat to public health, safety, and
 340 welfare, water resources, or the environment.

341
 342 This paragraph does not restrict the department from temporarily
 343 postponing completion of any site rehabilitation program for
 344 which funds are being expended whenever such postponement is
 345 necessary in order to make funds available for rehabilitation of
 346 a contamination site with a higher priority status.

347 (6) CONTRACTING AND CONTRACTOR SELECTION REQUIREMENTS.—

348 (d) The department rules implementing this section must:

349 1. Specify that only qualified vendors may submit
 350 responses on a competitive solicitation. ~~The department rules~~
 351 ~~must also~~

352 2. Include procedures for the rejection of vendors not
 353 meeting the minimum qualifications on the opening of a
 354 competitive solicitation. ~~and~~

355 3. Include requirements for a vendor to maintain its
 356 qualifications in order to enter contracts or perform
 357 rehabilitation work.

358 4. Establish a procedure for the processing of invoices
 359 that are less than \$500,000 per task, including the direct
 360 assignment of such tasks. This procedure may not involve the use
 361 of MyFloridaMarketPlace. Invoices that are at least \$500,000 per
 362 task may be processed pursuant to chapter 287.

363 5. Require current and future operations and management
 364 work tasks for remediation systems to be based on performance-

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365 based contracts to ensure efficient and effective cleanup of
366 sites.

367 (n) A site owner or operator may select a contractor,
368 provided the contractor complies with paragraph (c), if the
369 combination of the owner or operator copay and the contractor's
370 discount off the normal rate totals at least 5 percent of the
371 value of the contract. The cost of work must be based on a
372 competitive rate that the department negotiates with each
373 contractor.

374 (13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage
375 detection, reporting, and cleanup of contamination caused by
376 discharges of petroleum or petroleum products, the department
377 shall, within the guidelines established in this subsection,
378 implement a cost-sharing cleanup program to provide
379 rehabilitation funding assistance for all property contaminated
380 by discharges of petroleum or petroleum products occurring
381 before January 1, 1999 ~~1995~~, subject to a copayment provided for
382 in a Petroleum Cleanup Participation Program site rehabilitation
383 agreement. Eligibility is subject to an annual appropriation
384 from the fund. Additionally, funding for eligible sites is
385 contingent upon annual appropriation in subsequent years. Such
386 continued state funding is not an entitlement or a vested right
387 under this subsection. Eligibility shall be determined in the
388 program, notwithstanding any other provision of law, consent
389 order, order, judgment, or ordinance to the contrary.

390 (a) ~~1. The department shall accept any discharge~~

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391 ~~reporting form received before January 1, 1995, as an~~
392 ~~application for this program, and the facility owner or operator~~
393 ~~need not reapply.~~

394 2. Owners or operators of property, regardless of whether
395 ownership has changed, which is contaminated by petroleum or
396 petroleum products from a petroleum storage system may apply for
397 such program by filing a written report of the contamination
398 incident, including evidence that such incident occurred before
399 January 1, 1999 ~~1995~~, with the department. ~~Incidents of~~
400 ~~petroleum contamination discovered after December 31, 1994, at~~
401 ~~sites which have not stored petroleum or petroleum products for~~
402 ~~consumption, use, or sale after such date shall be presumed to~~
403 ~~have occurred before January 1, 1995.~~ An operator's filed report
404 shall be an application of the owner for all purposes. ~~Sites~~
405 ~~reported to the department after December 31, 1998, are not~~
406 ~~eligible for the program.~~

407 (b) Subject to annual appropriation from the fund, sites
408 meeting the criteria of this subsection are eligible for up to
409 \$1 million ~~\$400,000~~ of site rehabilitation funding assistance in
410 priority order pursuant to subsections (5) and (6). Sites
411 meeting the criteria of this subsection for which a site
412 rehabilitation completion order was issued before June 1, 2008,
413 do not qualify for the 2008 increase in site rehabilitation
414 funding assistance and are bound by the pre-June 1, 2008,
415 limits. Sites meeting the criteria of this subsection for which
416 a site rehabilitation completion order was not issued before

417 June 1, 2008, regardless of whether they have previously
418 transitioned to nonstate-funded cleanup status, may continue
419 state-funded cleanup pursuant to this section until a site
420 rehabilitation completion order is issued or the increased site
421 rehabilitation funding assistance limit is reached, whichever
422 occurs first. The department may not pay expenses incurred
423 beyond the scope of an approved contract.

424 (c) Upon notification by the department that
425 rehabilitation funding assistance is available for the site
426 pursuant to subsections (5) and (6), the owner, operator, or
427 person otherwise responsible for site rehabilitation shall
428 provide the department with a limited contamination assessment
429 report and shall enter into a Petroleum Cleanup Participation
430 Program site rehabilitation agreement with the department. The
431 agreement must provide for a 25-percent copayment by the owner,
432 operator, or person otherwise responsible for conducting site
433 rehabilitation. The owner, operator, or person otherwise
434 responsible for conducting site rehabilitation shall adequately
435 demonstrate the ability to meet the copayment obligation. The
436 limited contamination assessment report and the copayment costs
437 may be reduced or eliminated if the owner and all operators
438 responsible for restoration under s. 376.308 demonstrate that
439 they cannot financially comply with the copayment and limited
440 contamination assessment report requirements. The department
441 shall take into consideration the owner's and operator's net
442 worth in making the determination of financial ability. In the

443 event the department and the owner, operator, or person
444 otherwise responsible for site rehabilitation cannot complete
445 negotiation of the cost-sharing agreement within 120 days after
446 beginning negotiations, the department shall terminate
447 negotiations and the site shall be ineligible for state funding
448 under this subsection and all liability protections provided for
449 in this subsection shall be revoked.

450 (d) A report of a discharge made to the department by a
451 person pursuant to this subsection or any rules adopted pursuant
452 to this subsection may not be used directly as evidence of
453 liability for such discharge in any civil or criminal trial
454 arising out of the discharge.

455 (e) This subsection does not preclude the department from
456 pursuing penalties under s. 403.141 for violations of any law or
457 any rule, order, permit, registration, or certification adopted
458 or issued by the department pursuant to its lawful authority.

459 (f) Upon the filing of a discharge reporting form under
460 paragraph (a), the department or local government may not pursue
461 any judicial or enforcement action to compel rehabilitation of
462 the discharge. This paragraph does not prevent any such action
463 with respect to discharges determined ineligible under this
464 subsection or to sites for which rehabilitation funding
465 assistance is available pursuant to subsections (5) and (6).

466 (g) The following are excluded from participation in the
467 program:

468 1. Sites at which the department has been denied

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469 reasonable site access to implement this section.

470 2. Sites that were active facilities when owned or
471 operated by the Federal Government.

472 3. Sites that are identified by the United States
473 Environmental Protection Agency to be on, or which qualify for
474 listing on, the National Priorities List under Superfund. This
475 exception does not apply to those sites for which eligibility
476 has been requested or granted as of the effective date of this
477 act under the Early Detection Incentive Program established
478 pursuant to s. 15, chapter 86-159, Laws of Florida.

479 4. Sites for which contamination is covered under the
480 Early Detection Incentive Program, the Abandoned Tank
481 Restoration Program, or the Petroleum Liability and Restoration
482 Insurance Program, in which case site rehabilitation funding
483 assistance shall continue under the respective program.

484 Section 4. Paragraph (a) of subsection (2) and subsection
485 (4) of section 376.30713, Florida Statutes, are amended to read:

486 376.30713 Advanced cleanup.—

487 (2) The department may approve an application for advanced
488 cleanup at eligible sites, before funding based on the site's
489 priority ranking established pursuant to s. 376.3071(5)(a),
490 pursuant to this section. Only the facility owner or operator or
491 the person otherwise responsible for site rehabilitation
492 qualifies as an applicant under this section.

493 (a) Advanced cleanup applications may be submitted between
494 May 1 and June 30 and between November 1 and December 31 of each

495 | fiscal year. Applications submitted between May 1 and June 30
496 | shall be for the fiscal year beginning July 1. An application
497 | must consist of:

498 | 1. A commitment to pay 25 percent or more of the total
499 | cleanup cost deemed recoverable under this section along with
500 | proof of the ability to pay the cost share. An application
501 | proposing that the department enter into a performance-based
502 | contract for the cleanup of 10 ~~20~~ or more sites may use a
503 | commitment to pay, a demonstrated cost savings to the
504 | department, or both to meet the cost-share requirement. For an
505 | application relying on a demonstrated cost savings to the
506 | department, the applicant shall, in conjunction with the
507 | proposed agency term contractor, establish and provide in the
508 | application the percentage of cost savings in the aggregate that
509 | is being provided to the department for cleanup of the sites
510 | under the application compared to the cost of cleanup of those
511 | same sites using the current rates provided to the department by
512 | the proposed agency term contractor. The department shall
513 | determine whether the cost savings demonstration is acceptable.
514 | Such determination is not subject to chapter 120.

515 | 2. A nonrefundable review fee of \$250 to cover the
516 | administrative costs associated with the department's review of
517 | the application.

518 | 3. A limited contamination assessment report.

519 | 4. A proposed course of action.

520 |

521 The limited contamination assessment report must be sufficient
522 to support the proposed course of action and to estimate the
523 cost of the proposed course of action. Costs incurred related to
524 conducting the limited contamination assessment report are not
525 refundable from the Inland Protection Trust Fund. Site
526 eligibility under this subsection or any other provision of this
527 section is not an entitlement to advanced cleanup or continued
528 restoration funding. The applicant shall certify to the
529 department that the applicant has the prerequisite authority to
530 enter into an advanced cleanup contract with the department. The
531 certification must be submitted with the application.

532 (4) The department may enter into contracts for a total of
533 up to \$25 ~~\$15~~ million of advanced cleanup work in each fiscal
534 year. However, a facility or an applicant who bundles multiple
535 sites as specified in subparagraph (2)(a)1. may not be approved
536 for more than \$5 million of cleanup activity in each fiscal
537 year. For the purposes of this section, the term "facility"
538 includes, but is not limited to, multiple site facilities such
539 as airports, port facilities, and terminal facilities even
540 though such enterprises may be treated as separate facilities
541 for other purposes under this chapter.

542 Section 5. This act shall take effect July 1, 2015.