

MEMORANDUM

**DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF LAND PROTECTION AND REVITALIZATION
OFFICE OF SPILL RESPONSE AND REMEDIATION**

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SUBJECT: GUIDANCE DOCUMENT LPR-SRR-2015-02. Instructions for Completing the State Lead Acceptance Form and Contractor Evaluation Tab.

TO: Elizabeth Lamp, Petroleum Program Managers

FROM: Justin Williams 
Director, Division of Land Protection and Revitalization

DATE: December 4, 2015

COPIES: (Tom Faha, Mike Murphy, Maria Nold, Robert Weld, Allen Newman, Amy Owens, John Giese, James Barnett)

Summary:

The DEQ Storage Tank Program utilizes a State Lead Acceptance Form to document reasons for taking a petroleum release case into the State Lead Program. The program recently updated its State Lead Acceptance Form (AAF, Attachment 1) and this guidance document provides instructions for staff when completing that form. The State Lead Acceptance Form and instructions provided in this guidance supersede those provided in the State Lead Procedures Manual, Guidance Document LPR-SRR-2014-01 and will be incorporated into the next revision of that manual.

The State Lead Program needs to evaluate the quality of work performed by State Lead Contractors. In the past, regional staff were asked to complete performance evaluations for their state lead contractors about once a year. This was not very efficient as many evaluations were done long after the work was completed and Case Managers had to recall from memory how contractors performed on various jobs. The State Lead Program utilizes an Activity Authorization Form to authorize work to be performed under this contract and then to verify work once it has been performed. Staff have added a new tab within the State Lead AAF spreadsheet so that the Case Manager may note the contractor's performance on the work that was just completed. This guidance includes instructions for completing the performance evaluation tab within the State Lead AAF.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the public on DEQ's website at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/Laws,Regulations,Guidance.aspx>

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Disclaimer:

Guidance documents do not establish or affect legal rights or obligations, do not establish a binding norm, and are not determinative of the issues addressed. Decisions in individual cases will be made by applying the laws, regulations, and policies of the Commonwealth to case-specific facts.

Instructions for Completing the State Lead Acceptance Form

DEQ Storage Tank Program staff fill out and submit a State Lead Acceptance Form to OSRR when a site is recommended for the State Lead Program. The State Lead Program Manager (OSRR) reviews the form and, as appropriate, approves the site for the State Lead Program.

The State Lead Acceptance Form is included as Attachment 1. Staff may access this form electronically on DEQnet at: Documents/Waste/OSRR/StateLead_StateLeadAWS/forms.

Instructions for completing form are listed below.

Regional Office Responsibilities

Top of Form:

- a) Fill in the field for the PC #
- b) Check the box for the type of Source. Federally Eligible = regulated UST, deferred UST, or partially deferred UST. Non-Federally Eligible = release from any source other than a regulated, deferred, or partially deferred UST. If the source is unknown, check the Non-Federally Eligible Box.
- c) Choose the appropriate region from the box on the upper right.

Section I. Fill in the fields for the site name, address, and Case Manager.

Section II. Fill in the check boxes for the project numbers and fund. The LUST grant may be used only with prior approval from the Technical Programs Manager in OSRR.

Section III.

- a) Fill in the appropriate check box indicating why the site needs to be taken into the State Lead Program.
- b) Fill in the text field next to "ACCEPTED BY REGIONAL OFFICE/DATE" showing the name of staff and date recommending the site for the State Lead Program.

Either the regional Case Manager or the regional Petroleum Program Manager may electronically sign this request in accordance with the procedures of that regional office.

Section IV. Fill in the Site Priority Ranking field.

Section V.

- a) Fill in the fields indicating the contractor assigned to this State Lead Project and the date assigned.
- b) Indicate the initial phase of work (e.g. Initial Abatement) assigned to the contractor.
- c) Indicate the reason for selecting the particular state lead contractor.

Contractor assignments usually will be done on a rotating basis...contractor A to contractor B to contractor C and then back to contractor A. In most situations, staff will use the first check box "Contractor assigned on rotating basis."

OSRR will periodically monitor the dollar values assigned/paid to each contractor. If a significant fiscal imbalance occurs, OSRR staff will suggest to the region to deviate from

their standard contractor rotation and use a specific State Lead Contractor on their next new state lead job in order to address the imbalance (this is the second check box).

There may be situations where neither of the above apply, and regional staff may wish to use a contractor for a specific reason, e.g the contractor has worked on other sites in the same area and is familiar with the area.

Check the box corresponding with the estimated total value of state lead work at this site. This is the estimated total amount from assignment of the case to case closure.

Less than \$10,000 probably will correspond to cases such as small heating oil sites and emergency responses to traffic accidents, etc. The \$10,000 to \$50,000 range probably will cover many sites that can be closed after completion of a SCR. Sites where work will continue post SCR, probably will exceed \$50,000.

Section VI: Upon completion of this form, regional staff will email this form along with pertinent attachments to the State Lead Program Manager in OSRR.

OSRR State Lead Program Manager Responsibilities

Section VII. The State Lead Program Manager will:

- a) review the form and any documents and approve the site for the State Lead Program as appropriate,
- b) sign and date the text box adjacent to Section II,
- c) scan the approved form and attached documents into ECM,
- d) send a copy of the acceptance form to OFM staff in charge of establishing OTL time codes.

Instructions for Completing the Contractor Performance Evaluation Tab on the AAF

DEQ regional Case Managers authorize State Lead work and then verify work performed on the State Lead Activity Authorization Form (AAF). When work is completed at a state lead site, the contractor submits a report for the site along with an work performed AAF.

The Case Manager:

- reviews the work performed AAF along with the report
- verifies the work performed units
- completes the verification form on the AAF (one of the tabs in the AAF spreadsheet)
- sends the verified AAF to the contractor (this informs the contractor that the work has been verified and is the contractor's cue to send an invoice to DEQ accounts payable)

A new performance evaluation tab has been added to the State Lead AAF. Case Managers need to complete this performance evaluation form (Attachment 2) prior to sending the verified AAF to the State Lead contractor.

Most of the fields in the form are self explanatory.

- For each area of performance staff should place an "x" to indicate whether the work was satisfactory or unsatisfactory or whether work was performed in a timely manner.
- If the Case Manager notes areas of unsatisfactory performance, the Case Manager must note these items in the comment boxes and also should note if the issue was addressed and fixed.
- If the work performed is unacceptable, the Case Manager should not accept the work, but instead send the report back to the contractor with a directive to fix the problems.

There are boxes in the form where the Case Manager may include comments and feedback to the contractor regarding the work performed. Case Managers are encouraged to note areas of excellent performance as well as specific areas where improvement is needed.

ATTACHMENT 1

State Lead Acceptance Form

STATE LEAD ACCEPTANCE FORM

PC# _____

Federally Eligible
 Non-Federally Eligible

REGION PRO

I. SITE NAME: _____
ADDRESS: _____

STATE LEAD CASE MANAGER: _____

II. COST CODES AS PROVIDED/APPROVED BY OSRR

Project 63717 (regulated UST)
 83702 (all other sources)

Fund 0748 (VPSTF)
 1000 (LUST Grant)

OSRR Approval of Case into State Lead Program

Signature:
Date:
Comments:

III. SITE IS BEING ACCEPTED AS STATE LEAD BECAUSE,

- RP IS UNKNOWN
 - RP IS FINANCIALLY INCAPABLE (AS DETERMINED BY THE FINANCIAL RESPONSIBILITY MANAGER – DOCUMENTATION ATTACHED)
 - OFFICE OF ENFORCEMENT HAS DIRECTED RO TO PROCEED WITH STATE LEAD ACTIVITIES (DOCUMENTATION ATTACHED)
 - RO HAS DETERMINED THAT FAILURE TO TAKE CORRECTIVE ACTION REPRESENTS UNACCEPTABLE RISK TO HUMAN HEALTH AND/OR THE ENVIRONMENT (DOCUMENTATION ATTACHED)
 - SITE IS TRANSITIONING FROM RP LEAD TO STATE LEAD (FOR APPROVED REASONS (DOCUMENTATION ATTACHED)
- ACCEPTED BY REGIONAL OFFICE/DATE: _____

IV. SITE PRIORITY RANKING IS: _____

PRIORITY #1 IS HUMAN AND/OR ENVIRONMENTAL OR OTHER SENSITIVE RECEPTORS BEING DIRECTLY AFFECTED.
PRIORITY #2 IS POTENTIAL IMPACT TO RECEPTORS
PRIORITY #3 IS NO IDENTIFIED THREAT

V. CONTRACTOR ASSIGNED _____
INITIAL WORK PHASE ASSIGNED _____

DATE: _____
DATE: _____

REASON(S) FOR SELECTING THIS STATE LEAD CONTRACTOR FOR THIS SITE:

- Contractor assigned on rotating basis (i.e. next on the list)
 - Contractor assigned to balance contract dollar amounts (must be directed or agreed to in advance by OSRR)
- Other: _____

ESTIMATED TOTAL VALUE OF STATE LEAD WORK AT THIS SITE:

<\$10,000 \$10,000 - \$50,000 >\$50,000

VI. REGIONAL CASE MANAGER EMAILS COMPLETED ACCEPTANCE FORM TO OSRR (J. Barnett)

VII. OSRR STAFF: Scan approved acceptance form into ECM, send copy to Time Codes (Patty Walsh)

ATTACHMENT 2

Instructions for Completing the Contractor Evaluation Tab on the State Lead AAF

Performance Evaluation

Work Quality	satisfactory	unsatisfactory*
Onsite work quality (if known)		
Report Quality:		
Maps (accuracy, content)		
Organization and Grammatical Quality		
Technical Quality		
The content and format of the report allowed the Case Manager to make a decision without significant additional work		
Other		
If unsatisfactory, provide specific information about work deficiencies and resolution of problem (if it has been resolved).*		
Other comments (includes positive remarks, areas of excellent performance, areas where the consultant might improve, etc.):		
Project Management	satisfactory	unsatisfactory*
Company provided adequate resources for completing the project: (i.e. the work was complete and the scope of work was completed on time)		
Company responded appropriately to changing or unforeseen conditions		
Company communicated issues or problems promptly w. DEQ staff		
work completed corresponded with what was authorized		
Timeliness:	Yes	No
Work Plan AAFs submitted on time:		
Changes made to the AAF by the DEQ Case Manager were acknowledged in a timely manner		
Company returns phone calls/emails in a timely manner		
Reports submitted on time (the date on the AAF or agreed to in subsequent correspondence):		
If original due date could not be met, the company promptly notified DEQ, the reason(s) provided for the delay were acceptable, and the company provided a new and acceptable due date.		
If unsatisfactory, provide specific information about company management-related deficiencies and resolution of problem (if it has been resolved).		
Other comments (includes positive remarks, areas of excellent performance, areas where the consultant might improve, etc.):		
Additional Comments from Case Manager regarding the work performed:		