

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNDERGROUND STORAGE TANK BRANCH  
10/19/2016

## **ENVIRONMENTAL RESPONSE ACTION CONTRACTOR (ERAC) APPLICATION PACKET**

This packet is for engineers and geologists who want to perform assessments and remediation at underground storage tank (UST) sites, where the tank owner is eligible for reimbursement from the Mississippi Groundwater Protection Trust Fund (MGPTF). The MGPTF Regulations refer to engineers and geologists, who are approved to perform such work, as Environmental Response Action Contractors (ERACs). If you are interested in becoming an ERAC, please review the following attached information:

### **1. Environmental Response Action Contractor (ERAC) Application:**

The applicant must submit a completed application, along with all required documentation, to the Mississippi Department of Environmental Quality /Underground Storage Tank Branch (MDEQ/UST).

### **2. MDEQ/UST Standard Operating Procedures Manual (SOP) which incorporates the Quality Assurance/Quality Control (QA/QC) Plan:**

Requirement #2 on the application states that the applicant must have a QA/QC Plan developed in accordance with the requirements of the Department. MDEQ-UST now has a Standard Operating Procedures Manual for each ERAC to follow as their QA/QC Plan. This SOP should provide a clear, concise focus for performing UST work in Mississippi.

### **3. Mississippi Groundwater Protection Trust Fund Regulations:**

These Regulations state the minimum requirements for becoming an ERAC, and the performance standards for ERACs.

If you have any questions, please contact Martha Martin at (601) 961-5058. Please send your ERAC application to:

Martha Martin  
MS Department of Environmental Quality  
Underground Storage Tank Branch  
P.O. Box 2261  
Jackson, MS 39225-2261

# **ATTACHMENT #1**

# **ERAC APPLICATION**

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY - UNDERGROUND STORAGE TANK BRANCH

# ENVIRONMENTAL RESPONSE ACTION CONTRACTOR (ERAC) APPLICATION

COMPANY NAME			PRIMARY TELEPHONE #  (      )		
MAILING ADDRESS			SECONDARY TELEPHONE #  (      )		
CITY	STATE	ZIP CODE	FACSIMILE #  (      )		
NAME OF PRINCIPAL OFFICER			NAME OF USUAL CONTACT		
E-MAIL ADDRESS					

Mississippi Registered Professional Engineer	And/Or	Mississippi Registered Professional Geologist
NAME		NAME
PE #		PG #

**Quality Assurance/Quality Control (QA/QC) Plan**

When performing work under the Mississippi Groundwater Protection Trust Fund, will you follow the <b>MDEQ/UST Standard Operating Procedure Manual dated November 17, 2015</b> ?	<b>Yes</b>	<b>No</b>

**Certificate of Insurance for Professional Liability**

Your firm must have <b>at least one million dollars of professional liability insurance</b> . Please submit a copy of your certificate, and indicate when it expires.	<b>Expires On</b>

**Evidence of Experience**

Has your firm successfully completed at least three (3) assessments and successfully implemented at least two (2) remediation activities within the last five (5) years? Please complete the attached Record of Experience forms.	<b>Yes</b>	<b>No</b>

**I HEREBY CERTIFY THAT THE ABOVE AND ATTACHED INFORMATION FOR THE MINIMUM REQUIREMENTS #1 THROUGH #4 IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS OF THIS DATE.**

SIGNATURE	DATE
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## FOR MDEQ'S USE ONLY

1) MISS. P.E. / P.G.	2) SOP (QA/QC PLAN)	3) INSURANCE	4) EXPERIENCE
REVIEWER	SIGNATURE	APPROVAL DATE	

## MINIMUM REQUIREMENTS

The following narrative in bold print is direct wordage from the Mississippi Groundwater Protection Trust Fund Regulations. Below each of the four items is the information that you must submit to provide proof that you meet those qualifications.

**ERAC's shall be responsible for the engineering and/or geologic portion of response actions related to any discharge, release, or threatened release of motor fuels. The Department shall determine when a release necessitates a response action from an ERAC.**

To be considered for listing as an ERAC, an applicant must submit a completed application to the Department's Underground Storage Tank Branch. The application must contain, at a minimum, the following documentation:

- 1. documentation that the ERAC applicant is a Professional Engineer or a Registered Professional Geologist or, in the case of a firm or business, employs at least one full time (40 hours per week) Professional Engineer or Registered Professional Geologist licensed to practice in Mississippi;**

The principal officer should submit a statement indicating the names of the individuals who meet the above-mentioned condition and a copy of their license.

- 2. a Quality Assurance/Quality Control (QA/QC) plan developed in accordance with the requirements of the Department;**

The QA/QC Plan is required to insure that the Department receives data that is legally defensible and to expedite the Department's review of scopes of work. The Department now has an MDEQ-UST Standard Operating Procedure Manual (SOP). The applicant must sign off on the application that their firm will follow this SOP.

- 3. a current certificate of insurance proving that the applicant holds professional liability insurance in an amount not less than one million dollars (\$1,000,000.00); and,**

Please submit a copy of your Certificate of Insurance that has the certificate holder as:

Miss. Department of Environmental Quality  
UST Branch  
P.O. Box 2261  
Jackson, MS 39225-2261

4. **evidence of the successful completion of three (3) assessments and the successful implementation of two (2) remediation activities. Such work must have been performed within five (5) years preceding the date of application.**

Please complete the attached “**RECORD OF EXPERIENCE FOR ERAC APPLICATION**” forms to provide this evidence. This experience is not required to have been acquired in Mississippi, nor must it have been at a UST site.

Please be aware that ERAC approval is contingent upon, but not limited to, the following conditions:

1. The ERAC is contracted by the registered tank owner/operator responsible for the environmental issues at an eligible Mississippi Groundwater Protection Trust Fund (MGPTF) facility.
2. Maintenance of professional liability insurance in an amount not less than one million dollars (\$1,000,000).
3. The ERAC shall be responsible for obtaining authorization from the appropriate MDEQ representatives for modifications and/or deviations from MDEQ approved permits (e.g. Environmental Permits Division), scopes of work, (e.g. UST Project Manager), cost estimates (e.g. UST Financial), Standard Operating Procedures (e.g. UST Assessment and Remediation Branch Managers), etc.
4. The ERAC shall be responsible to contact utilities/persons to identify/mark any underground utilities to help prevent any damage to utilities.
5. The ERAC shall be responsible for checking property ownership and obtaining access to property needed to accomplish work assigned. However, if after making reasonable efforts, such as several verbal and written contacts and requests for signature on a right of entry form, the ERAC cannot obtain access to the site, the ERAC shall notify MDEQ that there is an access problem and MDEQ shall use its best efforts to obtain access to the site. Reasonable efforts do not include payment of fees solely for the purpose of gaining access. Also, MDEQ or their authorized representatives shall have access to the site and project work at all times.
6. If the ERAC becomes aware that a MGPTF facility requires immediate corrective action to stabilize the site to prevent further damage to the environment or to remove a threat to public health or welfare, the ERAC shall immediately notify MDEQ of the situation.
7. MDEQ UST Project Managers shall receive five (5) days advance notice of proposed field activities.
8. All requests for reimbursements must include a completed certification affidavit with original signatures by the tank owner or an authorized representative of the tank owner and a Notary Public. Photocopies or electronic signatures on a certification affidavit are not acceptable. All blanks on the required certification affidavit must be completed and the certification affidavit must be accompanied by detailed invoices, as required.
9. The ERAC may have its approval revoked for a length of time, application for renewal denied for a length of time, or penalties levied for cause according to the procedures established in Miss. Code Ann., Section 49-17-427 and Miss. Code Ann. Pt. 5, Ch.1, R. 1.13.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/ UNDERGROUND STORAGE TANK (UST) BRANCH

**RECORD OF EXPERIENCE FOR ERAC APPLICATION**

The regulations require evidence of the successful completion of 3 assessments and the successful implementation of 2 remediation activities. Complete this form for each site you will use to provide evidence of this experience.

OWNER	SITE
NAME	NAME
ADDRESS	ADDRESS
PHONE #	WAS THIS A UST SITE? YES _____ OR NO _____
CONTACT PERSON	MS FACILITY I.D.# (IF APPLICABLE)

ACTIVITY	YES	NO	DATE	TYPE
Performed Assessment?				
Implemented Remediation?				

**PROVIDE A BRIEF DESCRIPTION OF THE WORK YOUR FIRM PERFORMED AT THIS SITE:**

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/ UNDERGROUND STORAGE TANK (UST) BRANCH

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Implemented Remediation?				

**PROVIDE A BRIEF DESCRIPTION OF THE WORK YOUR FIRM PERFORMED AT THIS SITE:**

# **ATTACHMENT #2**

## **Standard Operating Procedure Manual (SOP)**

**(Incorporating the Quality Assurance/Quality Control Plan)**

On our web page, under  
"LEAKING UNDERGROUND STORAGE  
TANK (LUST) INFORMATION"  
Click on Standard Operating Procedure Manual

# **ATTACHMENT #3**

# **MISSISSIPPI GROUNDWATER PROTECTION TRUST FUND (MGPTF) REGULATIONS**

On our web page,  
Click on MDEQ Regulations  
Go to UST Regulations (Part 5)  
Click on "11 Miss. Admin. Code Pt. 5, Ch. 1." For MGPTF Regulations