

Memorandum

Florida Department of Environmental Protection

TO: Interested Parties

FROM: Thomas W. Conrardy, Professional Engineer Administrator
Bureau of Petroleum Storage Systems

DATE: June 23, 2004

SUBJECT: Generic Permit for Short Term Discharges from Petroleum Contaminated Sites,
Supplemental Procedural Guidance

This memorandum is supplemental program guidance concerning Chapter 62-621, Florida Administrative Code (F.A.C.), otherwise known as the Generic Permit for Discharges from Petroleum Contaminated Sites. The Bureau of Petroleum Storage Systems (BPSS) has previously published the guidance document titled "BPSS-3, Design Requirements and Procedures for NPDES Discharges." That publication and Chapter 62-621, F.A.C., remain the primary references for information regarding procedures and requirements for NPDES discharges from petroleum contaminated sites. This memorandum is supplemental guidance related specifically to provisions in Section (1)(c) of the permit concerning short-term discharges.

These provisions of the Generic Permit are for discharges of recovered groundwater from petroleum contaminated sites when the groundwater recovery will last for 30 days or less. The discharges which may occur under these provisions of the generic permit are not necessarily related to remediation efforts but instead may be associated with contaminated water recovered during site dewatering for a petroleum storage system replacement or upgrade or other site construction projects. The FDEP expects to see increasing use of these provisions for short-term discharges as petroleum storage tank facility owners are planning ahead for tank compliance upgrades to meet the 2009 deadline of Chapter 62-761, F.A.C.

Section (1)(c)3. of the Generic Permit requires that applicants who wish to be covered for a short term discharge under the permit for a site for which a Site Assessment has not been previously performed must have groundwater samples collected and analyzed for a list of screening parameters contained in Table 4 of the permit to qualify for coverage. The purpose of this requirement is related to the applicability of the permit. The Generic Permit for Discharges from Petroleum Contaminated Sites is applicable to sites that only have petroleum contamination present, and not other forms of contamination. Site assessment requirements of Chapter 62-770, F.A.C., include the provision to sample the groundwater from a minimum of one source monitoring well for chlorinated solvents. In addition, Chapter 62-770 includes the provision to evaluate the petroleum contaminated site and its use history as well as surrounding sites for evidence of the possible presence of non-petroleum contamination and, if there is reason to believe non-petroleum contamination may be present, to perform supplemental analysis of groundwater samples for the suspected non-petroleum contaminants. These provisions of the site assessment requirements provide assurance to the FDEP that approval of a site assessment is an indication that only petroleum contamination is present and the site is therefore eligible for

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coverage under the Generic Permit. If the site assessment has not been completed it is necessary to perform the supplemental groundwater analysis for the Table 4 parameters of the permit to evaluate the site for the presence of non-petroleum contaminants which could be present in the recovered water.

Due to the history of the petroleum program administrative procedures, and changes to the cleanup procedures related to priority scoring, there are many petroleum contaminated sites for which the site assessment may have been approved several years, or as long as a decade or more, previous to an application for coverage under the Generic Permit. For such sites there is a concern that other activities may have occurred at the site subsequent to the site assessment approval that may have resulted in the presence of non-petroleum contamination. Therefore it is reasonable for the FDEP to establish a maximum time frame for the age of the site assessment approval to qualify for coverage under the Generic Permit without performing the supplemental Table 4 analysis of groundwater. The following procedures should be followed concerning this and related issues:

- 1) A site assessment approval will be considered adequate to qualify for coverage under the Generic Permit for Short Term Discharges if the site assessment approval is less than one year old at the time of application for coverage under the permit. The dates of the analyses of samples contained in the Site Assessment Report are not relevant to this issue, only the date of approval of the report.
- 2) If the site assessment approval is greater than one year old, the party seeking coverage under the Generic Permit may submit a request in writing to the FDEP, or contracted local cleanup program, responsible for the review of petroleum cleanup site assessment reports, for a determination as to whether the site assessment approval that is greater than a year old provides adequate assurance that only petroleum contamination is present. The FDEP district or local program will provide a response in writing on this determination. The decision will be based on the continuous involvement of the petroleum cleanup regulatory office in the petroleum cleanup activities or knowledge of the site history since the time the assessment was approved. If the petroleum cleanup regulatory office determines the assessment information is adequate, collection of supplemental samples for Table 4 analysis will not be required and the party seeking coverage under the Generic Permit may submit the petroleum cleanup regulatory office's review letter with the request for coverage under the Generic Permit. If the assessment information is determined to be inadequate, the groundwater sample for comparison with Generic Permit Table 4 parameters must be collected and analysis results submitted with the request for coverage under the Generic Permit.
- 3) Another issue is related to sites for which the site assessment has been initiated but not yet approved at the time there is a request for coverage under the Generic Permit. Similar to item 2 above, as an alternative to collection of an additional groundwater

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sample for analysis for the parameters of Table 4 of the Generic Permit, the party seeking coverage under the Generic Permit may make a request in writing to the petroleum cleanup regulatory office (FDEP district office or local program office) responsible for reviewing the site assessment as to the adequacy of the assessment that has been completed to date to provide assurance that only petroleum contaminants are present. The petroleum cleanup regulatory office will provide a response in writing that the assessment is adequate or, alternately, that it is not adequate, in which case the groundwater sample will have to be collected and analyzed for the Table 4 parameters to qualify for coverage under the Generic Permit.

- 4) Long term discharges under Part 1 of the Generic Permit must have approval by the petroleum cleanup regulatory office of a Remedial Action Plan or equivalent engineering design document to qualify for coverage under the permit. An analogous requirement by the FDEP does not exist for the short-term discharges under Part 2 of the permit. Responsible parties are required to provide an adequate treatment system to meet the discharge limitations of Table 3 of the permit and demonstrate the treatment has been adequate to meet the required discharge limitations by collecting and analyzing effluent samples at the frequency specified in Table 3. Regulatory approval of the design of the treatment system that will be provided for the short-term treatment related to tank upgrade dewatering or other construction-related dewatering is not required by the FDEP at this time. However, proposals to conduct purposeful remediation activities prior to completion of the site assessment (as distinguished from remediation benefits that are incidental to dewatering that is conducted for the purpose of tank upgrade, tank installation, or other construction activity) must be authorized by the FDEP's issuance of an Approval of Alternative Procedures in accordance with Rule 62-770.690, F.A.C. For such alternative procedure proposals, presentation of treatment system design details will be required to ensure the system will comply with regulatory requirements of Chapter 62-770, F.A.C., regardless of whether the duration of remediation will be greater than or less than 30 days.

If you have any questions on these procedures, please contact me at (850)245-8899.