

Florida Department of Environmental Protection

Memorandum

TO: Staff of the Bureau of Petroleum Storage Systems (BPSS)
Contracted Local Programs
Interested Parties

THROUGH: Robert C. Brown, PE *RB*
BPSS, Bureau Chief

FROM: Thomas Conrardy, PE Administrator *T*
BPSS, PCS3

DATE: September 14, 2012

SUBJECT: Approval to Construct Class V, Group 4 Injection Wells for
Contaminated Site Rehabilitation

Chapter 373, Florida Statutes (Water Resources), Part III (Regulation of Wells), allows for categories of exemptions from well permitting under Section 373.326, F.S. This section has recently been modified to include a third category of well permitting exemption. The new section, numbered 373.326(3), F.S., became effective July 1, 2012 and reads as follows:

(3) A permit may not be required under this part for any well authorized pursuant to ss. 403.061 and 403.087 under the State Underground Injection Control Program identified in chapter 62-528, Florida Administrative Code, as Class I, Class II, Class III, Class IV, or Class V Groups 2-9. However, such wells must be constructed by persons who have obtained a license pursuant to s. 373.323 as otherwise required by law.

When injection wells are proposed to be used for contaminated site rehabilitation activities, by either injection of treated groundwater or injection of chemical or biological remediation products, the wells are considered to be Class V, Group 4 aquifer remediation wells, and are therefore subject to this statutory exemption. Additionally, it has been determined that in situ sparging wells also qualify for this exemption as such wells are also considered to be Class V, Group 4 aquifer remediation wells under UIC procedures. This means that Water Management Districts will no longer issue permits for construction of injection wells or in situ sparging wells which will be installed in conjunction with a contaminated site rehabilitation system or activity.

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These wells must still be authorized by the Florida Department of Environmental Protection (FDEP). Use of injection wells for contaminated site rehabilitation must be authorized by the issuance of an enforceable Order, such as a Remedial Action Plan (RAP) Approval Order, from the Division of Waste Management of the FDEP. In circumstances in which the injection well(s) is proposed for a pilot test or in a RAP Modification Plan, rather than a RAP Approval Order, there is a special format for a UIC Approval Order that must be used.

Beginning immediately, the permitting of the construction of injection wells to be used for site rehabilitation purposes will be covered by the RAP Approval Order or UIC Approval Order and no additional well construction approval to replace the former Water Management District well construction approval will be required. In the case of in situ sparging wells which will be used for conducting a pilot test, it is not necessary for the FDEP to issue a UIC Approval Order prior to the installation of the well and implementation of the pilot test.

Use of the RAP Approval Order or UIC Approval Order to also serve as the injection well construction permit is based on the assumption that the well(s) will be constructed after the FDEP issues the RAP Approval Order or UIC Approval Order. Persons responsible for conducting site rehabilitation should schedule site rehabilitation activities to be consistent with this process. However, the FDEP recognizes that there may be occasional instances of a need to construct an injection well prior to the issuance of the RAP Approval Order or UIC Approval Order for logistical or cost considerations. To address these site specific circumstances, a template letter will be provided to staff of the Bureau of Petroleum Storage Systems (and contracted local cleanup programs) for authorization of the construction of injection wells prior to the issuance of a RAP Approval Order or UIC Approval Order. The injection well construction approval letter will state that the wells may not be used for injection of fluid in the subsurface until the issuance by the FDEP of a RAP Approval Order or UIC Approval Order.

If there are any questions, please contact Thomas Conrardy of the Bureau of Petroleum Storage Systems at (850)245-8899, or tom.conrardy@dep.state.fl.us.