



Florida Department of Environmental Protection


Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Memorandum

TO: FDEP Petroleum Restoration Program and Stakeholders
FROM: Austin Hofmeister, Program Administrator 
Petroleum Restoration Program
SUBJECT: Interpretation of 376.3071(12)(b)(4)(a) F.S.
DATE: May 29, 2018

1.0 Introduction

Section 376.3071(12)(b)(4)(a) F.S. provides: soil saturated with petroleum or petroleum products, or soil that causes a total corrected hydrocarbon measurement of 500 parts per million or higher for the Gasoline Analytical Group (GAG) or 50 parts per million or higher for the Kerosene Analytical Group (KAG), as defined by department rule, does not exist onsite as a result of a release of petroleum products. This memorandum provides the Department's interpretation of this provision as it is applied to Low Score Site Initiative (LSSI) site restoration work.

2.0 Interpretation

The LSSI criteria stated above applies to OVA responses for vadose soil measured above the water table at the time the OVA responses are recorded. However, as discussed in PCS-004 (effective October 1, 2001), elevated OVA responses measured directly above the water table may be caused by small amounts of petroleum impacted water within the pore spaces that have "wicked" upward from the water table. This capillary fringe may present situations where OVA responses exceeding the statutory OVA thresholds of 50/500 ppm are indicative of groundwater contamination and are not representative of petroleum contaminated vadose soils. In addition, volatilization of petroleum contaminants of concern may also result in elevated OVA responses at depths just above the groundwater table surface. Therefore, professional judgement may conclude that OVA responses measured in the capillary fringe that exceed the OVA thresholds for GAG and KAG can be attributed to the groundwater plume based on the depth to groundwater, the location of the groundwater contaminant plume in relation to the measured OVA responses, lithology, and other relevant site-specific data. For sites at which elevated OVA's were determined to be a result of groundwater influence, supporting documentation must be provided with the LSSI NFA Order submittal.

3.0 OVA vs Laboratory Data

For LSSI NFA only, lab data does not override OVA data. The only exception is if all representative soil analytical data has zero detections for the appropriate petroleum contaminants of concern.

4.0 Conclusion

Professional judgment should be used when determining if a site is eligible for closure with elevated OVA responses exceeding the statutory OVA thresholds of 50/500 ppm near the groundwater table. For sites at which elevated OVA's were determined to be a result of groundwater influence, supporting documentation must be provided with the LSSI NFA Order submittal.