**Section G.2 - Procedures for Certification of Restricted Activities on Conditionally Closed Cleanup Sites**

Compliance with groundwater restrictions placed on a contaminated site as part of a conditional closure in accordance with Chapter 62-780, Florida Administrative Code (F.A.C.) is an integral part of maintaining the site closure. However, as property use or conditions change, it may be necessary to perform or undertake activities that are restricted by the terms of the conditional closure. The groundwater restrictions and the “Restricted Area” to which they apply are specified in the applicable Conditional Site Rehabilitation Completion Order (CSRCO) for the site. The CSRCO Restricted Area may include all or a designated portion of the associated source property for which the CSRCO is issued, and may also include adjacent property(ies).

In most circumstances, if the procedures below are followed, the real property owner, a permit applicant or a third party may certify that the proposed activities will not affect the closure conditions rather than obtaining formal approval from the Florida Department of Environmental Protection (FDEP). Note that changes to some closure conditions, such as removing restrictions or altering an engineering control, will still require FDEP approval; and likely amending the CSRCO and any restrictive covenant. The process described here does not address such changes and therefore should not be used for removing restrictions or modifying engineering controls (see Section F for information on removing or modifying controls). Nothing in this guidance modifies any federal, state or local government requirements or FDEP rules such as Chapters 62-780 or 62-761, F.A.C.

1. Conditionally closed sites may have groundwater use restrictions that limit:
   1. Placement of wells,
   2. Uses of wells,
   3. Construction/modification of stormwater facilities, and
   4. Dewatering
2. While the restricted activities outlined in Item 1 may not be prohibited within the Restricted Area, these restrictions are designed to ensure the stability of the groundwater plume, such that potential plume migration or exposure to contaminants of concern (COCs) – as identified by the CSRCO – are not caused by restricted activities.
3. Adding or modifying any of these features or activities on a conditionally closed site could affect the stability of the groundwater plume, resulting in migration of contaminants beyond the known extent of the groundwater plume at the time of closure.
4. Therefore, any addition or modification must be designed so as to not cause any movement or instability of the plume.
5. Historically, the CSRCO and restrictive covenant have required FDEP approval for any changes related to the restrictions in #1.
6. The Division of Waste Management has limited ability to perform such reviews, and the number of requests is increasing as the number of conditional closures increases.
7. This limited ability can lead to extended review times, potentially unnecessary rounds of comments and responses, and corresponding delays in project completion.
8. To improve this situation and ensure groundwater conditions remain as approved in the CSRCO, the CSRCO would instead require a Florida-registered professional engineer and/or Florida-registered professional geologist (as appropriate to the project) to certify that the proposed activities[[1]](#footnote-2) will not cause any plume migration or instability. The plan should include, as applicable:
   1. Feature/activity location, construction design and specifications relative to the known areas of contaminated soil and groundwater relative to the CSRCO Restricted Area.
   2. For dewatering plans: well point location(s), proposed flow rate, duration, volume and estimated drawdown.
   3. Narrative description of the steps to be taken to avoid causing the spread or migration of contamination.
   4. Any groundwater modeling that may have been done as part of the design evaluation process. (Groundwater modeling may not be warranted or appropriate in every circumstance and this guidance should not be inferred to create any such requirement).
   5. Procedures for the handling of any contaminated media (groundwater or soil) that may be encountered during construction. Such procedures should include protocols for proper characterization, handling and disposal. Documentation of compliance measures for an existing discharge permit associated with dewatering discharges may be sufficient for meeting this condition.
9. This certified plan must be submitted to the FDEP office that originally managed the closure for its files and the FDEP will rely on this professional certification for demonstrating compliance with site restrictions (as contained in the FDEP’s CSRCO and Declaration of Restrictive Covenant). FDEP prior approval of the plan is not required.
10. To verify plume stability, post construction monitoring may need to be included as part of the plan and should be evaluated on a case-by-case basis.
    1. For newly constructed wells, quarterly sampling for at least one year for the COCs – as identified by the CSRCO – will be sufficient to demonstrate the well is not causing the plume to move.
    2. For stormwater features – both newly constructed or renovated – permanent or temporary monitoring wells should be installed downgradient of the stormwater feature and/or near the CSRCO Restricted Area and sampled quarterly for a minimum of one year for the CSRCO COCs.
    3. For dewatering events – the effluent should be sampled for the CSRCO COCs at regular intervals during the dewatering event. A plan for handling effluent above the groundwater cleanup target level should be included as part of the certified construction plan. If the intent is to apply for the Generic Permit for Discharge of Ground Water from Dewatering Operations pursuant to Subsection 62-621.300(2) F.A.C., the effluent must meet the surface water quality standards for the parameters of concern. Alternatively, if effluent discharge is to a publicly owned treatment work (POTW), demonstration that the appropriate permits have been issued will be required.
11. Sampling results that confirm the plume is not migrating do not need to be submitted to the FDEP but should be retained for a period of five years and produced upon request. Such records will be an item to be checked during the FDEP’s periodic audits of conditionally closed sites.
12. If any sampling results indicate that the contaminant plume is moving, then the responsible party must submit the sampling information to the FDEP along with a plan to halt the spread of contamination. Induced plume migration must be quickly brought under control and plume stability demonstrated using any post construction monitoring data. However, in the event that plume movement has occurred it may be necessary to rescind the CSRCO and resume cleanup under Chapter 62-780, F.A.C.

1. This discussion is focused on the effects of construction on the groundwater plume. Note that the possible spread of soil contamination may also need to be included in the design. Especially in the case of stormwater design which may increase infiltration over contaminated soil or result in relocation and disposal of contaminated soil. [↑](#footnote-ref-2)