

NOTICE OF INTENT TO ADOPT A RULE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION: Water Resource Management

OGC NO.: 05-2673

CHAPTER TITLE:

CHAPTER NO.:

Underground Injection Control

62-528

RULE TITLE:

RULE NO.:

General Permitting Requirements for

Class I and III Wells.

62-528.440

Class I – Test/Injection Well

Construction and Testing Permit, and

Class III – Well Construction Permit.

62-528.450

Class I and Class III – Injection Well

Operation Permit.

62-528.455

PURPOSE, EFFECT AND SUMMARY: On November 22, 2005, the U.S. Environmental Protection Agency published a final rule in the *Federal Register*, Vol. 70, No. 224, pp. 70513 - 70532, applicable to Class I municipal underground injection control (UIC) wells in 24 counties in Florida. The federal rule will be in effect on December 22, 2005. The Department is adopting and incorporating that federal rule. The rule amends current UIC requirements by providing a regulatory alternative to owners and operators of existing Class I municipal disposal wells that have caused or may cause unauthorized movement of fluid into an underground source of drinking water in the counties of Brevard, Broward, Charlotte, Collier, Flagler, Glades, Hendry,

*Official Notice of the Florida Department of Environmental Protection-
Authorized Under Section 120.551, F.S.
Publication Date-December 2, 2005*

Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, St. Johns, St. Lucie, Sarasota, and Volusia. Because operation of Class I wells with fluid movement into an underground source of drinking water is prohibited, this new rule offers these facilities in those counties the ability to continue to operate their wells provided they meet additional wastewater treatment requirements within five years. The rule also requires new Class I wells in the same counties to meet the new treatment requirements. The new treatment requirements are designed to provide equivalent level of protection to underground sources of drinking water that is afforded by the no-fluid-movement standard.

SPECIFIC AUTHORITY: 373.309, 403.061, 403.704, 403.721, F.S.

LAW IMPLEMENTED: 373.308, 403.021, 403.061, 403.062, 403.087, 403.0877, 403.088, 403.091, 403.161, 403.702, 403.721, F.S.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Richard J. Deuerling, P.G., Department of Environmental Protection, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone 850-245-8653.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY (to the contact person above). THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE RULE IS:

62-528.440 General Permitting Requirements for Class I and III Wells.

(2) General Prohibitions.

(a) through (b) No change.

(c) Except as provided in 40 C.F.R. 146.15 and 146.16, as noticed in the *Federal Register*, Vol. 70, No. 224, November 22, 2005, pp. 70513 - 70532, hereby adopted and incorporated by reference, ~~n~~No underground injection activity shall be authorized where a Class I or III well causes or allows movement of fluid into underground sources of drinking water, if such fluid movement may cause a violation of any primary drinking water standard under 40 C.F.R. pt. 141 (1994), or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(d) Except as provided in 40 C.F.R. 146.15 and 146.16, as noticed in the *Federal Register*, Vol. 70, No. 224, November 22, 2005, pp. 70513 - 70532, fFor Class I and III well, if any water quality monitoring of an underground source of drinking water indicates the movement of injection or formation fluids into underground sources of drinking water, the Department shall prescribe such additional requirements for construction, corrective action (including closure of the injection well), operation, monitoring, or reporting as are necessary to prevent such movement. These additional requirements shall be imposed by modifying the permit, or the permit shall be terminated if cause exists, or appropriate enforcement action shall be taken if the permit has been violated.

(3) through (6) No change.

Specific Authority 373.309, 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 373.308, 403.021, 403.061, 403.062, 403.087, 403.0877, 403.088, 403.161, 403.702, 403.721 FS. History-
- New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.31, 17-28.310, 62-28.310, Amended 8-10-95, 6-24-97,_____.

62-528.450 Class I – Test/Injection Well Construction and Testing Permit, and Class III – Well Construction Permit.

(1) No change.

(2) Information requirements. Information to be submitted with the construction permit application shall include the following:

(a) through (e) No change.

(f) Proposed operating date;

1. through 2. No change.

3. Source and an analysis of the chemical, physical, radiological and biological characteristics of injection fluids, including any additives for Class III wells. For Class I wells injecting domestic effluent, a demonstration that the effluent quality meets the standards specified in Rules 62-600.420(1)(d)1 and 62-600.540, F.A.C.; or for new wells, the minimum treatment requirements set forth in 40 C.F.R. 146.15 and 146.16, as noticed in the *Federal Register*, Vol. 70, No. 224, November 22, 2005, pp. 70513 – 70532, hereby adopted and incorporated by reference. For all other Class I wells, a demonstration that the effluent quality meets the standards specified in Rule 62-660.400(1)(o), F.A.C.

(g) through (r) No change.

(3) through (5) No change.

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Specific Authority 373.309, 403.061, 403.087 FS. Law Implemented 373.308, 403.021, 403.061, 403.062, 403.087, 403.088, 403.091, 403.161 FS. History -- New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.33, 17-28.330, 62-28.330, Amended 8-10-95, 6-24-97,_____.

62-528.455 Class I and Class III – Injection Well Operation Permit.

(1) through (2) No change.

(3) Repermitting the Operation of Class I Wells.

(a) through (b) No change.

(c) The operation of a Class I well shall not be repermited unless the applicant has made the following demonstrations:

1. Available water quality monitoring data does not indicate that fluid movement into or between underground sources of drinking water is occurring as a result of injection activity, except as authorized under 40 C.F.R. 146.15, as noticed in the *Federal Register*, Vol. 70, No. 224, November 22, 2005, pp. 70513- 70532, hereby adopted and incorporated by reference;

2. through 4. No change.

Specific Authority 373.309, 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 373.308, 403.021, 403.061, 403.062, 403.087, 403.0877, 403.088, 403.161, 403.702, 403.721 FS. History -- New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.34, 17-28.340, 62-28.340, Amended 8-10-95, 6-24-97,_____.