

Dewatering Generic Permit Requirements for Non-Contaminated Site Activities

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Why are we here?

- Outreach and educational requirement on this permit
- Level the playing field
- Many contractors, developer, private citizens and other state and governmental entities are unaware of the need to comply with the appropriate permit

Why are we here?

- Preclude potential enforcement action for facilities discharging without being covered under the appropriate permit
- **Preclude rather than react.** We receive many complaints regarding unauthorized discharges. This utilizes a lot of staff hours, especially when we find the discharges are not covered by the appropriate permit. We can't stop the complaints, but we can help make sure facilities are covered by the appropriate permit

What is this permit for?

- Required for all discharges of produced groundwater from any point source to surface waters of the state, including jurisdictional wetlands
- Generic permit is authorized under Florida Administrative Code Chapter 62-621

A point source discharge- example



Why do I need this permit?

- Can't legally discharge to surface waters without one (includes most storm systems)
- Can't legally discharge to an MS4 system without one. MS4=City of Jax Stormwater permit from the DEP
- You can't legally commence discharge without one.

Who is responsible for obtaining this permit?

- Owner of the property or someone of similar capacity, e.g., Vice President of the corporation or land development project
- Owner may contract jobs out.
Example - dewatering and various construction activities
- Could be the contractor

Who is responsible for obtaining this permit?

- DEP can hold contractors accountable for violations occurring as a result of the contractors dewatering activities
- Contractors must make sure the permit coverage is obtained before beginning dewatering activities

Who is responsible for obtaining this permit?

- **Rule 62-621.100(1), F.A.C., states that generic permits issued under this Chapter are subject to the procedural requirements of Chapter 62-620, F.A.C.**
- **Rule 62-620.310(1), F.A.C., states that any person intending to construct, operate or modify a wastewater facility or activity which will discharge wastes into waters or is likely to be a source of pollution shall make application for a permit under this Chapter. I would interpret this to mean that all parties (i.e., the subcontractor, general contractor and/or owner) could be held responsible. The owner may, through a contract, delegate that responsibility to the general contractor who may in turn delegate it to a subcontractor. This would have to be decided and agreed to by the parties involved on a case-by-case basis.**
- **Rule 62-620.200(33)"Permittee" means the owner, operator or other entity to which a permit for a wastewater facility or activity is issued by the Department. The term "permittee" shall be functionally synonymous with the terms "owner," "contractor," and "licensee," but shall not include licensed individuals, such as State certified operators, unless they are the persons to whom a facility permit is issued by the Department. The term shall extend to a permit "applicant" for purposes of this chapter.**

Who is responsible for obtaining this permit?

- **Rule 62-620.305 FAC Signatories to Permit Applications and Reports.**
- (1) All permit applications under this chapter shall be signed as follows:
- (a) For a corporation, a responsible corporate officer shall sign all applications for permit. A responsible corporate officer is considered to be
 - 1. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) For a partnership or sole proprietorship, a general partner or the proprietor, respectively, shall sign all applications for permit.

What if I don't discharge to surface waters?

- Use caution when making a determination that a discharge will not occur to surface waters as seen in the following example
- If the discharge will not occur to surface waters, coverage is not required

USE CAUTION IN DETERMINING IF SURFACE WATERS ARE INVOLVED







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How about going to a stormwater system?
Does that require coverage too?

- Most likely it will require permit coverage
- Stormwater ponds are not deemed surface waters that have to comply with surface water standards
- Most of them discharge to surface waters of the state as in the previous photo
- Must obtain permission from stormwater authority

Here's an unfavorable situation for containment in a stormwater pond -- very little freeboard



Best to apply for coverage even if it looks like you can contain the discharge



What are the steps involved in getting covered?

- **Automatic coverage**

You are automatically covered if you meet the requirements of the generic permit

How do I get automatic coverage?

- Must meet screening values for select parameters based on a representative sample of the untreated ground water
- We require one test per project site of untreated ground water

For what parameters may I submit the NOI for coverage?

- Total Organic Carbon (TOC) -show it is naturally occurring (humates)/no known contaminated sites in the area
- pH-show that you can meet the narrative criteria to not be below natural background or 1 unit above (normal range is 6.0-8.5)
- On a case by case basis for other parameters, e.g., metals if shown to be turbidity derived

Its just clean groundwater! Why do we care about this type of activity?

- Cases have occurred where dewatering activities have resulted in pollutants being discharged to surface waters of the state from sites that had been thought to be non-contaminated.
Turbidity violations are most common.
- **The cost of clean-up, non-compliance and potential harm to the environment cannot be overlooked!**

Why do we care about this type of activity?

- Ensure discharge does not cause pollution to surface waters of the state
- Maintain the swimmable/fishable standards that most of our water bodies are currently required to meet
- Maintain healthy aquatic community and compliance with the applicable public health standards for our surface waters

Protect yourself and the environment and get covered – Benefits outweigh the Costs

- Avoids Stop Work Orders
- Costly construction delays
- Avoids Enforcement
- Protects the Environment
- Makes for good business sense

Non-Compliance Example











Regulated Community Concerns

- Cost for compliance. Must spend \$\$'s for sampling for selected parameters
- Not part of current practices or incorporated into current contract documents
- Takes time to obtain analytical results from required sampling. Concern for project delay

Regulated Community Concerns

Unforeseen circumstances and cases where emergency dewatering is required.

What should be done?

In such cases you are not exempt from being covered under the appropriate permit. However, we would expect a demonstration to be made in these instances that the discharge complied with the applicable permit, and DEP is contacted as soon as possible.

Regulated Community Concerns

- Can't meet water quality standards because of the presence of petroleum and/or other contaminants
- Exceed total organic carbon (TOC) limit. TOC may be an indicator of organic pollutants (petroleum hydrocarbons or other organic hydrocarbons that are not naturally occurring). Often it is simply from naturally occurring substances (humate)

Other Related Concerns

- Potential need for water management district permit (Environmental Resource Permit).
- Need to provide appropriate erosion control
- Discharges in coastal zones

Other Related Concerns

- Other non-petroleum pollutants are discovered. May need coverage under an individual permit
- Potential for contamination assessment when petroleum hydrocarbons or other pollutants are discovered

Other Related Concerns

- There will likely be cases where it is unclear if a permit may or may not be required. In these instances you are encouraged to contact DEP for assistance

Resources Available

- DEP's web site: www.dep.state.fl.us
 - *Rules and regulations for Water Resource Management Program, etc.
- DEP is always available for assistance
- **Your resources are highly valued. We encourage you to contact us with any ideas or suggestions**

NED DEP Contacts

- Jerry Owen - Water Facilities Administrator
- Ken Kohn - NPDES Permitting Manager
(904)807-3310
- Katheryn Jarvis – NPDES Section
(904)807-3306
- Melissa Long – Industrial Wastewater
Section Manger (904)807-3309

DEP Tallahassee Contacts

- Vince Seibold- Industrial Wastewater Administrator (850)245-8590
- NPDES Storm Water Program (850) 245-7522

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