



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

May 9, 2012

Via Electronic Mail

RichardsonS@solutions-ies.com

Stephen Richardson, Ph.D., P.E.
EOS remediation, LLC
1101 Nowell Road
Raleigh, North Carolina 27607

Re: VOS™ Innovative Technology Acceptance Letter

Dear Mr. Richardson:

The Bureau of Waste Cleanup (Bureau) hereby accepts Vadose Oil Substrate (VOSTM) for the remediation of chlorinated hydrocarbons and other suitable contaminants in vadose zone soils. VOSTM facilitates the treatment of chlorinated volatile organic compounds as well as others contaminants that are anaerobically biodegradable or transformable, such as nitrates, energetics and metals. The specific ingredients of VOSTM have been declared proprietary. Therefore, Enclosure 1 contains a proprietary analysis voucher. Enclosure 2 contains regulatory information.

The Bureau does not provide endorsement of specific or brand name remediation products or processes, but it does recognize the need to determine their acceptability in the context of environmental regulations, safety and the protection of public health. For that reason, the Bureau issues an "acceptance" letter, not an approval. In no way shall an acceptance be construed as a certification of performance. Additionally, vendors, upon receipt of an acceptance, must market their product or process on its own merits regarding performance, cost, and safety in comparison to competing alternatives in the marketplace.

Remedial Action Plans that propose the use of an accepted product or process should include a copy of the acceptance letter in the plan's appendix, and reference it in the text of the document. It is not a requirement that a particular remediation product or process have an official acceptance letter in order for it to be proposed in a site-specific Remedial Action Plan. The plan, however, must contain sufficient information about the product or process to show that it meets all applicable rules and regulations.

The Bureau reserves the right to revoke its acceptance of a product or process if it has been falsely represented. Additionally, Bureau acceptance of any product or process does not imply it has been deemed applicable for all cleanup situations, or that it is preferred over other treatment or cleanup techniques in any particular case. A site-specific evaluation of applicability and cost-effectiveness must be considered for any product or process, whether conventional or innovative, and adequate site-specific design details must be provided in a Remedial Action Plan submitted for Department review and approval. If you have any questions, please contact us at the numbers below.

Sincerely,

X 

Gary Millington, P.E.
Division of Waste Management
Bureau of Waste Cleanup
Program and Technical Support Section
gary.millington@dep.state.fl.us
(850) 245-7502

enc: (1) Proprietary Ingredients Voucher
(2) Regulatory Information

c: Tom Conrardy, P.E. – FDEP/Tallahassee
Rob Cowdery, P.E. – FDEP/Tallahassee

PROPRIETARY INGREDIENTS VOUCHER



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EOS remediation, LLC
1101 Nowell Road
Raleigh, North Carolina 27607

Re: VOS™ Proprietary Ingredients Voucher

Dear Mr. Richardson:

The Bureau of Waste Cleanup (Bureau) hereby acknowledges receipt of a confidential disclosure regarding the proprietary ingredients of Vadose Oil Substrate (VOS™) included in your April 2, 2012 Application for Innovative Technology Evaluation and supplemental information provided on April 25, 2012. Having reviewed the submission, the Bureau hereby vouches that VOS™ meets the requirements of Chapters 62-520 and 62-528, Florida Administrative Code (F.A.C.).

Each site-specific remedial action plan that proposes to use VOS™ must include the information required by Chapters 62-520 and 62-528, F.A.C. Remedial action plan approval orders, when issued by the Department, will meet the requirements of the Underground Injection Control (UIC) program.

For Underground Injection Control purposes, injection-type aquifer remediation plans must specify both the volume and the complete chemical composition of the fluid to be injected. But since the details of the ingredients and their proportions in VOS™ are proprietary, it will suffice to indicate just the volume of the VOS™ to be injected, and then provide a note that a confidential disclosure of the proprietary details has already been submitted to the Department and accepted. Reference should be made to this voucher, and a copy of it should be included as an appendix to the plan. If you have any questions, please contact me at the number below.

Sincerely,

X 

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REGULATORY INFORMATION

- a. Regulations: Chapters of the Florida Administrative Code (F.A.C.) that may be applicable, either in part or in their entirety, include but are not necessarily limited to Chapter 62-550, F.A.C., for primary and secondary water quality standards; Chapter 62-520, F.A.C. for groundwater classes and standards, and groundwater permitting and monitoring requirements; Chapter 62-528, F.A.C., for Underground Injection Control (UIC), particularly Part V, for Class V, Group 4 aquifer remediation projects; Chapters 62-770, 62-780, 62-782, and 62-785 F.A.C., for cleanup criteria; and Chapter 62-777, F.A.C., for cleanup target levels.

Users of VOSTM shall comply with all applicable regulations. This includes meeting applicable cleanup target levels for residual concentrations of reagent ingredients and any byproducts of concern produced by chemical and biological reactions induced by those ingredients during the timeframe of the cleanup project. For the ingredients of concern that are present in excess of cleanup target levels, the timeframe is that which is permitted for a temporary injection zone of discharge (ZOD) as described below.

- b. UIC and ZOD permits: In accordance with Rule 62-528.630(2)(c), F.A.C., Class V injection-type aquifer remediation wells are exempt from the permitting requirements of Rule 62-528.635, F.A.C., when authorized by a Department-approved remedial action plan or other enforceable mechanism, provided the requirements of the rules governing the remediation project, as well as the construction, operation, and monitoring requirements of Chapter 62-528, F.A.C., are met. The issuance of an enforceable, site-specific Remedial Action Plan Approval Order by the Department for injection-type aquifer remediation constitutes the granting of a Class V injection well construction/clearance permit. In accordance with Rule 62-520.310(8)(c), F.A.C., if a temporary ZOD is necessary and permissible, then the issuance of the site-specific Remedial Action Plan Approval Order also constitutes the granting of permission for the temporary ZOD.
- c. UIC notification: Remedial action plans proposing injection-type aquifer remediation shall include information pursuant to Rules 62-528.630(2)(c)1 through 6, F.A.C., for the inventory purposes of the UIC program. Reviewers of those plans, upon issuance of an enforceable Remedial Action Plan Approval Order by the Department, must submit a completed copy of the UIC inventory notification form to the UIC program in Tallahassee.
- d. General information about temporary ZODs: For groundwater remediation, the composition of an injected material must meet the primary and secondary drinking water standards set forth in Chapter 62-550, F.A.C., and the minimum groundwater criteria of Chapter 62-520, F.A.C., pursuant to paragraph 62-528.600(2)(d), F.A.C. Aquifer remediation products that do not meet these requirements must seek relief from water quality criteria by one of two mechanisms. Permission for a temporary ZOD may be obtained via paragraph 62-520.310(8)(c), F.A.C. If a ZOD cannot be

obtained by rule, it will be necessary to seek a variance from Department rules in accordance with Section 120.542, Florida Statutes.

Rule 62-520.310(8)(c), F.A.C., allows for a temporary ZOD for closed-loop re-injection systems, for the prime constituents of the reagents used to remediate site contaminants, and for groundwater secondary standards. In order to obtain permission for a temporary ZOD by rule, a site-specific remedial action plan must indicate: (a) the chemical ingredients of concern in the fluid to be injected that will be present in excess of groundwater standards; (b) the size of the ZOD that is needed; (c) the amount of time that the ZOD will be needed; and (d) a plan for monitoring the injected chemical ingredients of concern. The size of the temporary ZOD will usually be the injection well radius of influence when the treatment system is a single injection point. For a multiple point system, the ZOD can usually be expressed and illustrated as the total area of the cluster formed by all the injection points, located side-by-side with overlapping radii of influence.

- e. Specific ZOD information for VOST™: Site-specific remedial action plans shall indicate the volume of VOST™ to be injected. VOST™ is injected into, and remains in, the vadose zone. Therefore, no ZOD is needed. However groundwater should be monitored for contaminants of concern, anaerobic degradation products, pH and total recoverable petroleum hydrocarbon (TRPH) in accordance with the approved remedial action plan during the period of remediation.
- f. Avoidance of migration: For injection-type, in-situ aquifer remediation projects, pursuant to Rule 62-528.630(3), F.A.C., injection of VOST™ shall be performed in such a way, and at such a rate and volume, that no undesirable migration of either the ingredients of concern, site contaminants, or remediation byproducts results.
- g. Abandonment of wells: Upon issuance of a Site Rehabilitation Completion Order, injection wells shall be abandoned pursuant to Section 62-528.645, F.A.C., and the UIC program in Tallahassee shall be notified so that the treatment wells can be removed from the injection well inventory-tracking list.
- h. Additives: If chemical additives such as micro-organisms or other ingredients are used with VOST™ in the future, then the site-specific remedial action plan must include a complete description of the chemical composition and physical properties of the additive and the amount to be injected, along with a description of the need for a temporary ZOD as described in paragraph d above if the fluid does not meet primary, secondary, and minimum groundwater standards.