

De Minimis Discharge Emergency Response and Interim Source Removal

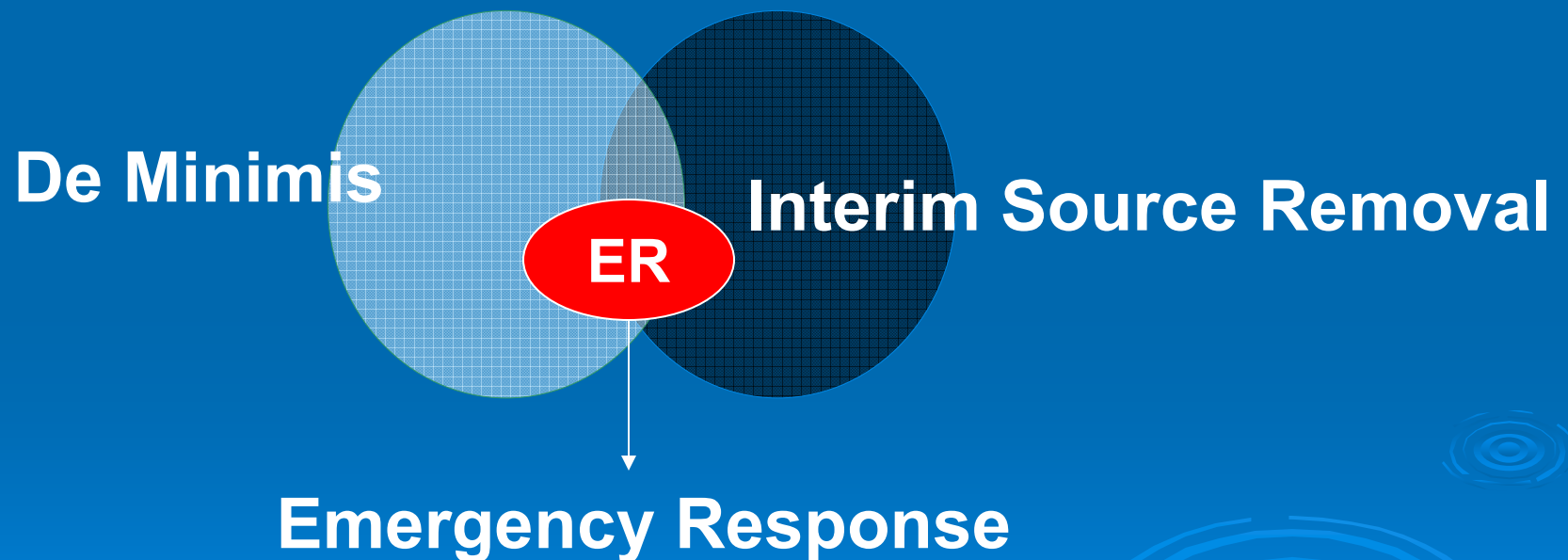


**Department Environmental Protection
Bureau of Waste Cleanup**

GOAL: to understand the concepts

- De Minimis Discharge
 - Emergency Response Action
 - Interim Source Removal
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De Minimis, Emergency Response & Interim Source Removal



Distinctions Between the Three

	Distinction	Timeframe	Notice DEP	Goals	Submit Report?
De Minimis	Optional, Complete removal within 30 days	Complete within 30 days of discovery	None	CTLs or Background	No, but keep available, on file 5 years
Emergency Response	Required, Serious & urgent nature	Initiate within 24 hrs of discovery	Within 24 hrs of discovery & initiation	Abate immediate threat	Yes, unless De Minimis
Interim Source Removal	Optional, Prior to RAP	"Short Term", 60 day reporting period	Within 24 hrs of initiation	Source Removal (not usually final remedy)	Yes



DEFINITIONS

“De minimis discharge”

means a discharge that is removed from the soil, sediment, surface water, and groundwater to CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., within a period of 30 days from the discovery of the discharge.



“Emergency response action”

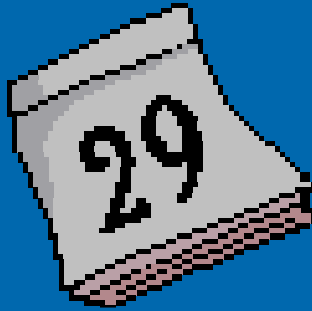
means an interim source removal conducted pursuant to 62-780.500 F.A.C., initiated prior to contact with the Department and within 24 hours of discovery of an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action to alleviate a threat to human health, public safety or the environment.



“Interim source removal”

means the removal of free product, contaminated groundwater, contaminated sediment, or contaminated soil, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring, prior to approval of a Remedial Action Plan.





DE MINIMIS DISCHARGE



De Minimis Discharge

- Addressed as an interim source removal that
 - Must be completed within 30 days of discovery
 - Subject to interim source removal documentation
 - Exception- some ISR noticing requirements
- PRSR shall
 - Maintain records of response action for 5 years
 - Make records available to DEP upon request

PRSR = Person Responsible for Site Rehabilitation



De Minimis Discharge is not a “Get Out of Jail Free” card

Exempt from

- 62-780.500 Notification & Reporting
- 62-780.220 (1)- Notice of field activity



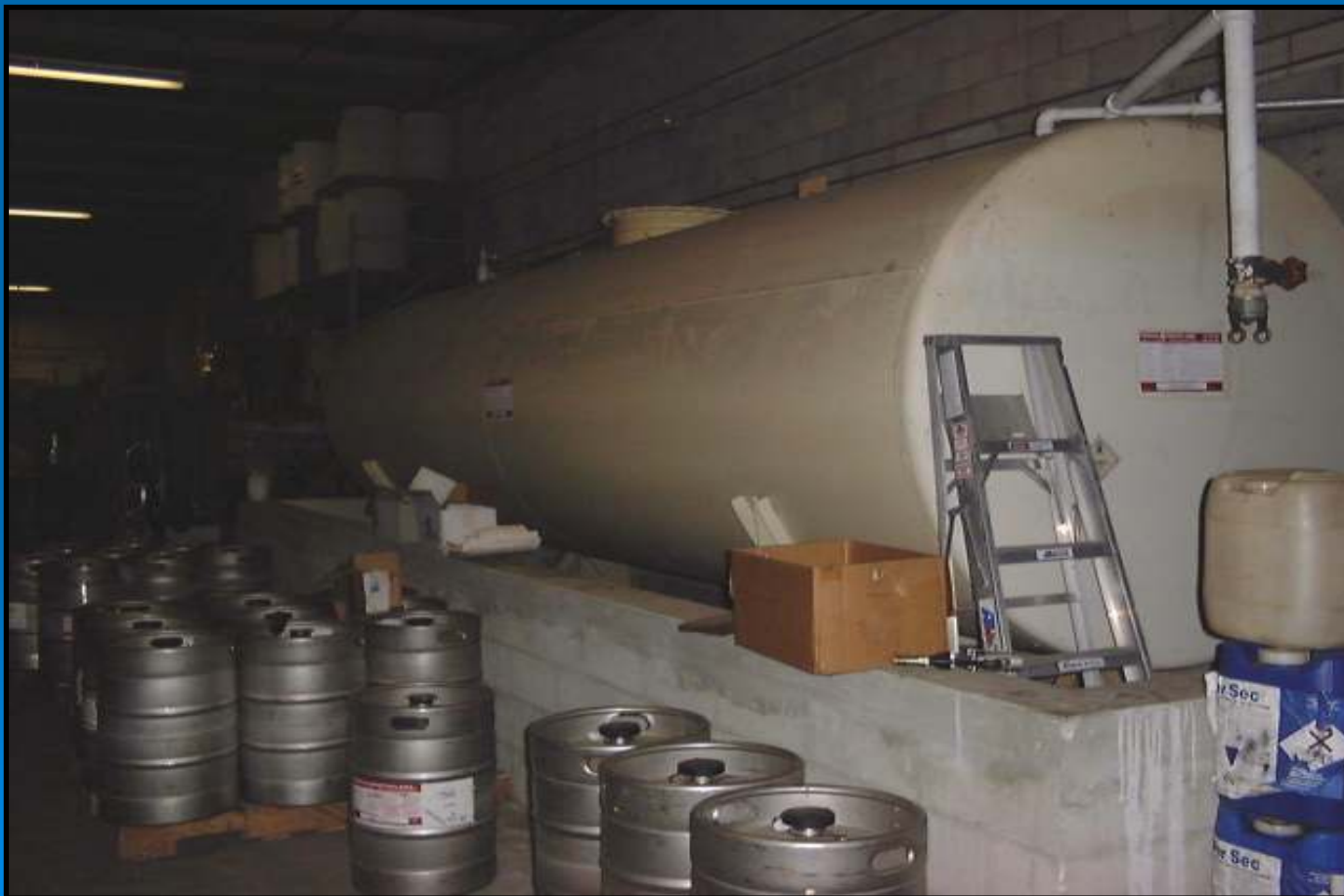
Not Exempt from

- “Beyond property boundary” notice- 780.220 (2)
- Other possible notice requirements
 - CERCLA - above reportable quantity
 - Federal Water Pollution Control Act
 - Other federal, state, and local laws/regulations

De Minimis Discharge

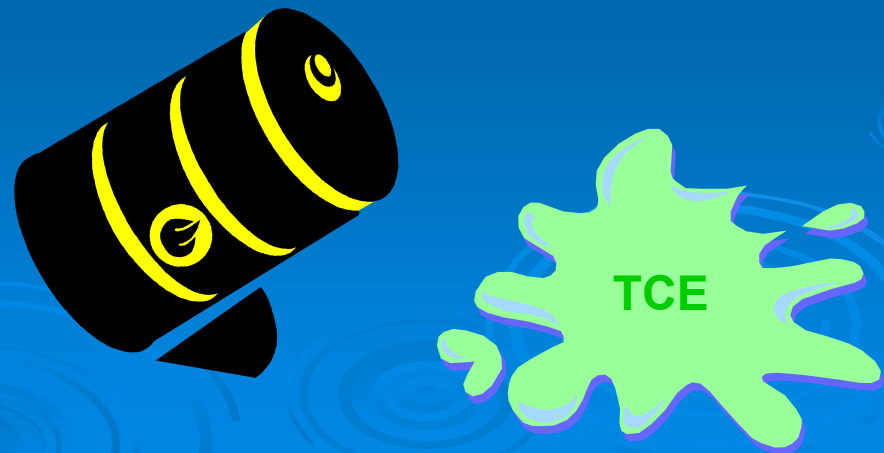
Scenario 1

ACME Supply Company



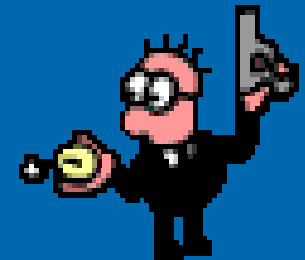
Scenario 1 Background

- 25 gallons of TCE
- Discharged
 - Inside facility
 - Onto concrete floor
 - Discharge occurred during transfer



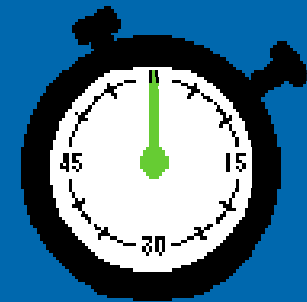
Response Action $\leq$ 30 Days

- Immediately utilized absorbent pads
- Soil borings, sample under concrete
- TCE detected above the soil CTL
- Excavation required



Response Action $\leq$ 30 Days

- Soil excavated
 - 2.5 feet deep below concrete
 - 10 by 20 foot area
- Confirmatory samples collected
 - 5 soil samples from base of excavation
 - All below soil CTLs





De Minimis Requirements Met?

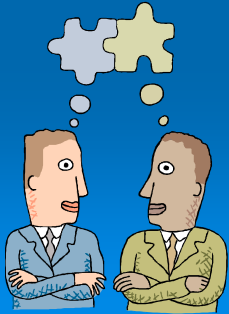
- ✓ Contamination handled safely, disposed properly
- ✓ Discharge removed within 30 days of discovery
- ✓ Confirmatory sampling
- ✓ Remaining concentrations below CTLs or natural background

NFA or SRCO Issued?

- Per rule, reports not sent to DEP, so
 - No basis for NFA approval
 - No basis to issue SRCO
- But, PRSR must maintain records for 5 years

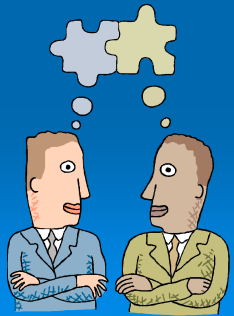
De Minimis Discharge

	Distinction	Timeframe	Notice DEP	Goals	Submit Report?
De Minimis	Optional, Complete removal within 30 days	Complete within 30 days of discovery	None	CTLs or Background	No, but keep available, on file 5 years



Discussion Points

- Does the De Minimis Discharge approach preclude any cleanup strategies?
- How soon does the De Minimis Discharge strategy have to be implemented?
- What happens if the cleanup is not completed on time?



Discussion Points

- Is the de minimis approach available under?
 - 62-777
 - 62-770
 - 62-780
 - 62-782
 - 62-785

- **62-780 ONLY!**

Emergency Response (ER), Interim Source Removal (ISR)



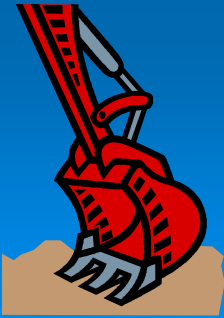
ER / ISR Objectives

- Remove specific known source(s)
- Provide temporary control
- Prevent or minimize contaminant migration
- Protect human health and the environment
- Prior to the approval of a Remedial Action Plan



Emergency Response Key Concepts

- A situation of a serious and urgent nature
- Response must commence
 - within 24 hours of discovery or
 - within 24 hours after being notified by the DEP of such a condition.



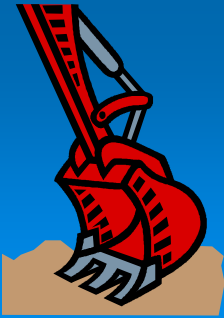
Interim Source Removal Key Concepts

➤ Requires

- Approval of ISR Proposal
(some exceptions)
- Written notice of field activities
 - 24 hours prior, or
 - Per Cleanup Agreement Document

➤ ISR report or status report

- 60 days from initiation, and
- Every 60 days until completion



Interim Source Removal Key Concepts

➤ Requires

- Approval of ISR Proposal
(some free product removal method exceptions)
- Written notice of field activities
 - 24 hours prior, or
 - Per Cleanup Agreement Document

➤ ISR report or status report

- 60 days from initiation, and
- Every 60 days until completion

Exceptions to Prior Approval

- Free product recovery methods
 - Absorbent pads
 - Skimmer pumps, mechanical, electrical, or hand bailed purging operations
 - Hand or mechanical bailing, and
 - Fluid vacuum techniques or total fluid displacement pumps



Exceptions to Prior Approval

- Short-term Groundwater Recovery
 - GW plume: $< 1/4$ acre & shallow aquifer
 - No free product
 - ≤ 30 days, or no spread of contamination
 - No on-site treatment and proper disposal
 - Confirm sampling ≥ 30 days after completion



Exceptions to Prior Approval

- Soil/Sediment Removal, Treatment, and Disposal
 - Cannot exacerbate conditions
 - Handle flammable products a safe manner
 - SVE to abate imminent threat
 - Excavations
 - Collect confirmatory samples for complete excavations
 - Characterize excavated material
 - Secure/use impermeable surface if temporarily on-site



Actions Requiring Prior Approval (62-780.500)

- Free Product Removal and Disposal methods (not previously exempted)
- Groundwater Recovery, Treatment and Disposal
- Soil and Sediment Removal, Treatment, and Disposal methods (not previously exempted)

Scenario 2

Emergency Response and Interim Source Removal



Case Study Background

- 1,000 gallon spill from a tanker truck
- Driver admits discharge days after spill
- Contaminant-saturated soil discovered at site
- Depth to water 3' – 5' bls



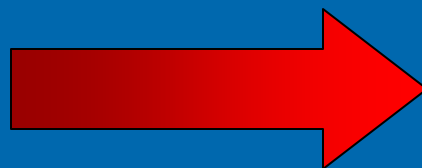
Emergency Response Action

- Within 24 hrs of driver's admission, PRSR
 - Removes known contaminant source
 - Prevents migration
 - Protects human health and the environment
 - Notifies DEP of initiation of Emergency Response Action

Emergency Response Action

- PRSR's environmental contractor
 - Free product removal
 - Skimmer pumps and absorbent pads
 - Top of water table
 - Soil excavation
 - 30 ft x 15 ft area
 - Removal to top of water table – 4 ft. BLS
- Immediate threat abated

**Emergency
Response**



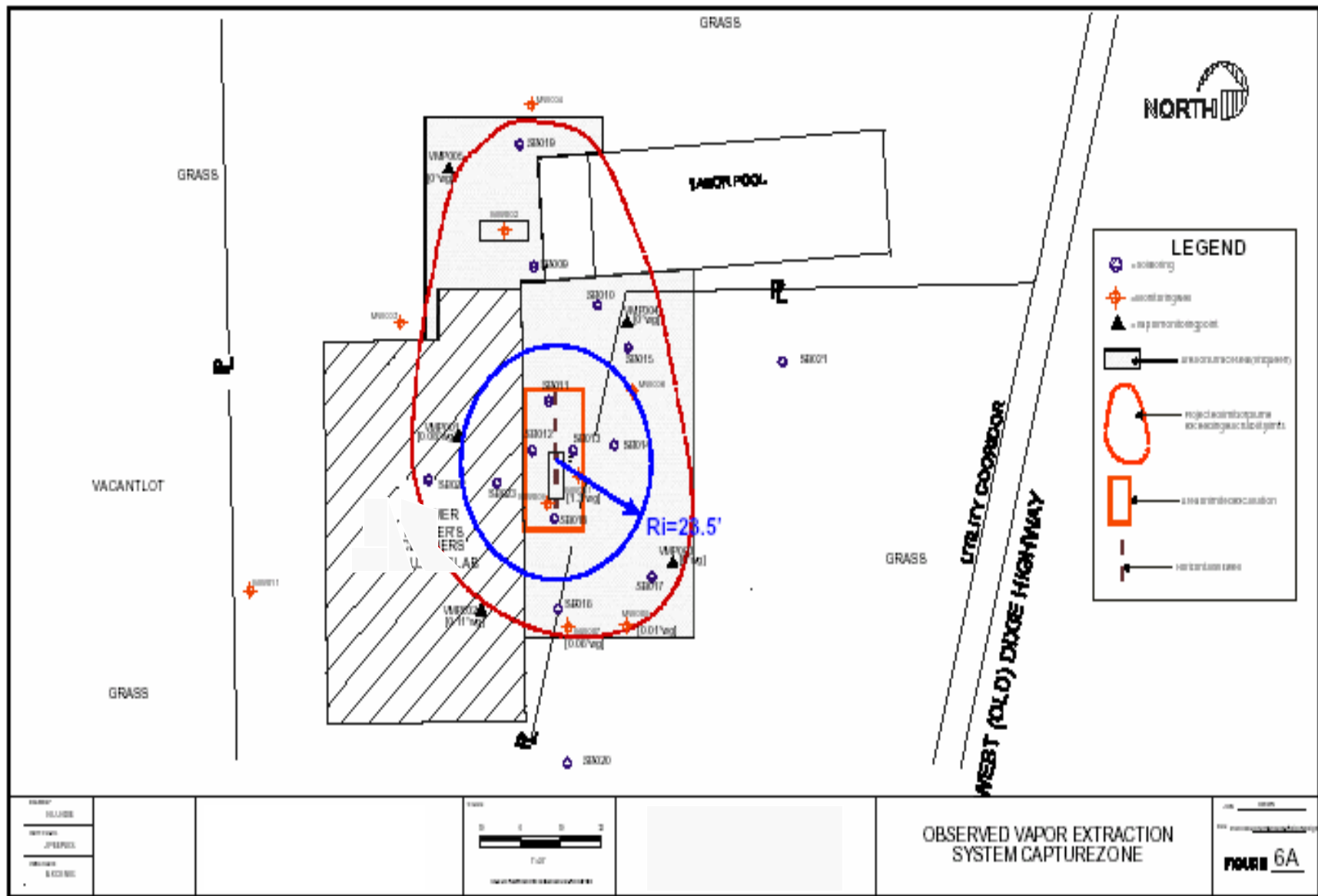
**Interim
Source
Removal**

- Confirmatory sampling
 - Some soil / groundwater samples still exceed CTLs
- PRSR Proposes an Interim Source Removal

Emergency Response

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Interim Source Removal					

Interim Source Removal



Interim Source Removal

- ISR Proposal- submitted to DEP
 - Groundwater Recovery, Treatment, Disposal
 - Soil Vapor Extraction (SVE)
- Implementation upon DEP approval
- 24-hour Notice prior to field work
- PRSR submits ISR status reports
 - Within 60 days of ISR initiation
 - Every 60 days until ISR completed

Interim Source Removal

- ISR completed in 4 months
- Confirmatory sampling
 - Soil concentrations are below SCTLs
 - Groundwater is below GCTLs
- ISR Report submitted to DEP

Report Requirements

- Generally, ISR Report due within 60 days of completion of ISR

Except if:

- ISR complete prior to SAR and NFA criteria are met
 - Submit SAR that contains the elements of the ISR
 - No *separate* ISR Report required
- ISR complete after the SAR
 - Submit SAR *addendum* that summarizes ISR

Interim Source Removal

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De Minimis					
Emergency Response					
Interim Source Removal	Optional, Prior to RAP	"Short Term", 60 day reporting period	Within 24 hrs of initiation	Source Removal (not usually final remedy)	Yes

De Minimis, ER, and ISR

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Questions

