

ATTACHMENT A

62-528.307 Underground Injection Control: General Conditions for Permits

The following general conditions shall be included in each of the respective types of underground injection control permits.

(1) All UIC Permits.

(a) The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to section 403.141, F.S.

(b) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.

(c) As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

(d) This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(e) This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

(f) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

(g) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

1. Have access to and copy any records that must be kept under conditions of this permit;
2. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
3. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.

(h) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

(i) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement

case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

(j) The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

(k) This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

(l) This permit or a copy thereof shall be kept at the work site of the permitted activity.

(m) The permittee shall comply with the following:

1. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.

2. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

3. Records of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements;
- b. the person responsible for performing the sampling or measurements;
- c. the dates analyses were performed;
- d. the person responsible for performing the analyses;
- e. the analytical techniques or methods used;
- f. the results of such analyses.

4. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

5. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

(n) All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.

(o) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

(p) Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(q) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(r) The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(s) This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(t) The permittee shall retain all records of all monitoring information concerning the nature and composition of injected fluid until five years after completion of any plugging and abandonment procedures specified under rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.

(u) All reports and other submittals required to comply with this permit shall be signed by a person authorized under rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in rule 62-528.340(4), F.A.C.

(v) The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in rule 62-528.410(1)(h).

(w) The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity which may result in noncompliance with permit requirements.

(x) The permittee shall report any noncompliance which may endanger health or the environment including:

1. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or

2. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) All UIC Construction Permits.

(a) If injection is to continue beyond the expiration date of this permit the permittee shall apply for, and obtain an operation permit. If necessary to complete the two-year operational testing period, the permittee shall apply for renewal of the construction permit at least 60 days prior to the expiration date of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Operational testing. Prior to operational testing, the permittee shall comply with the requirements of rule 62-528.450(3)(a),(b), and (c), F.A.C.

(f) Mechanical Integrity.

1. Injection is prohibited until the permittee affirmatively demonstrates that the well has mechanical integrity. Prior to operational testing the permittee shall establish, and thereafter maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(3) All UIC Operation Permits.

(a) In accordance with rules 62-4.090(1) and 62-528.455(3)(a), F.A.C., the permittee shall submit an application for permit renewal at least 60 days prior to expiration of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Mechanical Integrity.

1. The permittee shall maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(4) All UIC Plugging and Abandonment Permits.

(a) The well shall be plugged and abandoned in a manner that will not allow fluid movement into or between underground sources of drinking water.

(b) In accordance with rule 62-528.435(11), F.A.C., the permittee shall submit to the Department a plugging and abandonment report within 90 days of completion of plugging and abandonment.

Specific Authority 403.061, 403.087, 403.088 FS. Law Implemented 403.061, 403.087, 403.088 FS. History - New 7-15-99.