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FACT SHEET

EPA Provides a Regulatory Alternative for Class I Municipal Disposal Wells in Specific Counties in Florida

Why is a regulatory alternative being provided?

For more than 20 years, some municipalities in Florida have been using underground injection as an alternative to surface disposal of treated domestic wastewater. Recent evidence suggests that, at several of these facilities, the injected fluids are migrating upward into underground sources of drinking water (USDW). Because operation of Class I wells with fluid movement into an USDW is prohibited by Federal Underground Injection Control (UIC) regulations, these facilities would be forced to cease injecting and adopt an alternative method to manage their wastewater, which could increase the environmental risks to surface water and coastal environments.

This rule provides a regulatory alternative to owners and operators of Class I municipal disposal wells in certain counties of Florida¹ that have caused or may cause movement of fluid into a USDW. It offers owners and operators of these municipal disposal wells the ability to continue to operate their wells, provided they meet additional wastewater treatment requirements. These new treatment requirements are designed to provide an equivalent level of protection to USDWs as provided by the existing no-fluid-movement requirement of the Safe Drinking Water Act.

How does EPA's approach protect the environment and human health?

Without the new treatment requirements, the no-fluid-movement requirement would remain the only available approach for the State in regulating Class I municipal disposal wells, regardless of the level of wastewater treatment prior to injection. Enforcing this approach would, in effect, require owners and operators of these facilities to shut down the wells, because wastewater isolation from USDWs cannot be ensured. The other disposal options available are advanced wastewater treatment prior to discharge into sensitive rivers, streams, and estuaries and ocean disposal. The new treatment requirements are designed to provide an equivalent level of protection to USDWs that is afforded by the existing no-fluid-movement requirement.

The alternative EPA has chosen, for Class I municipal disposal wells in certain counties of Florida, is an approach that the Agency believes will be as effective as confinement of fluids in protecting USDWs from contaminants in the wastewater. This alternate approach involves rigorous control of the quality of the fluids by requiring these facilities to treat their municipal wastewater with pretreatment, secondary treatment, and high-level disinfection before they are injected.

¹ Counties included: Brevard, Broward, Charlotte, Collier, Flagler, Glades, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, St. Johns, St. Lucie, Sarasota, and Volusia

Under this approach, the movement of fluids into USDWs, whether known or suspected, should not endanger the USDWs because the quality of the wastewater has been treated to a level that is no longer a threat to USDWs. This action shifts the endangerment protection strategy used for Class I municipal disposal wells in certain counties of Florida from the no-fluid-movement standard to an alternate approach that relies on treatment of wastewater *before* it is injected. This shift, however, does not undercut the protection of USDWs or weaken the UIC Program requirements. Even if facility owners and operators in the designated counties use the regulatory alternative, they must also comply with all other applicable UIC requirements to ensure that their injection wells do not endanger USDWs.

What will the new rule do?

In this rule, EPA amends the current Federal UIC regulations to allow owners and operators of Class I municipal disposal wells in specific areas of Florida to continue using their wells, even if they have caused or may have caused movement of fluid into a USDW, provided they meet new requirements to treat their municipal wastewater with pretreatment, secondary treatment, and high-level disinfection prior to injection.

EPA believes this requirement will address viruses and bacteria (i.e., pathogens) which the Agency's 2002 *Relative Risk Assessment of Management Options for Treated Wastewater in South Florida* identified as the contaminant in municipal wastewater that presents the greatest risk to USDWs. High-level disinfection of this municipal wastewater is an effective method to inactivate pathogens.

EPA has also found that pretreatment programs and prohibitions on wastewater from significant industrial users have prevented contaminants from getting into wastewater in the first place, and that secondary treatment is a critical step in wastewater treatment prior to high-level disinfection.

The Florida Department of Environmental Protection (DEP) oversees the UIC Program in the State. DEP will propose State regulations that are at least as stringent as this new Federal rule. The State already requires this level of treatment for reclaimed water used on lawns and parks. Facilities in the City of St. Petersburg already meet this standard and improvements to meet the standard at Miami-Dade South District facility are underway.

How can I get more information?

The final rule, "Revision of the Federal Underground Injection Control Requirements for Class I Municipal Disposal Wells in Florida" was published in the *Federal Register* on November 22, 2005. The final rule and other supporting information is available on EPA Region's 4 Web site at http://www.epa.gov/region4/water/uic/class1_flrule.htm.

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