

Certification of Restricted Activities - FAQs

1. Would you want the certification for a site pre-closure? Example, site has land use controls (LUCs) for groundwater for a closed landfill and is in long term monitoring.
 - A. It is sometimes possible to certify certain potential future design criteria at the time of site closure. For example, the location and effects of a 'maximum' size stormwater feature could be evaluated prior to closure and any such approval included in the documentation. In other cases, it will be necessary to wait until the specification or design criteria are known before the evaluation can take place.
2. Language will be updated in the SRCOs and DRCs to reflect possible PE/PG certification?
 - A. Yes, template language has been updated.
3. What if consultants and their representatives want our approval anyway?
 - A. We would certainly comply with any request for review and would share any comments we had. However, we would caution that our review is not a requirement for DRCs that only require the certification and does? not otherwise diminish the need for proper PE/PG certification.
4. What is the legal implication for PE or PG who signs and seals and has not done a thorough evaluation?
 - A. There would be a site-specific evaluation of what corrective action may be necessary from the real property owner or other responsible party. Any consequences to the PE or PG would be up to their respective boards, if it rose to that level.
5. What happens if they install a well or stormwater facility and it spreads contamination?
 - A. Additional assessment would be required to determine the extent of the problem. In the most serious cases, it may be necessary to rescind the CSRCO and resume 62-780 cleanup.
6. We are currently asked by one of the FDEP/water management districts to evaluate whether new stormwater features will cause any harmful effects to the petroleum contaminant plume.
 - A. These reviews should no longer be necessary. See also Question 10.
7. Have you discussed this proposal with the WMDs?
 - A. Yes, the water well managers were briefed on the concept some time ago. They were generally receptive to the concept.
8. Does the guidance include minimum distances for conditionally closed sites to initiate design measures?
 - A. No, the requirement for the certification would be based on the conditions and restrictions identified in the closure documentation. Post-construction monitoring would be recommended for features constructed within 250 feet of the groundwater plume.
9. What if the site was closed under one property owner and new owner hires a new PE or PG and as a result of stormwater feature construction, contamination is spread, then who is responsible for any required response?
 - A. The current property owner is always potentially responsible for any contamination on their property. Others may also be responsible for exacerbating the plume but that requires a factual and legal analysis.
10. What if my property closed with/without a stormwater feature and my DRC says to submit a plan (and amended DRC) if a new stormwater feature is added? Do I need to amend the DRC?
 - A. Most recorded DRCs require DWM approval of any plan. If a PE/PG signed and sealed plan is submitted to the DWM, then that plan can be approved based upon the professional certification. A written approval may be required to satisfy the terms of the DRC. The DRC may

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also require a revised stormwater exhibit when any stormwater feature is altered, modified, expanded or constructed.

11. After installation of a stormwater feature, what if groundwater monitoring showed that the plume moved but is now stable again? What's needed?
 - A. FDEP would have to be notified as soon as it was found that the groundwater plume was moving. An evaluation would have to be made as to whether additional assessment or monitoring was required, or even if the CSRCO needed to be rescinded. If subsequent sampling then shows that the plume had reached a new stable configuration, then a determination would have to be made whether to revise any FDEP records accordingly including potentially issuing an amended CSRCO.

12. What if the site (source or adjacent non-source property) was closed using SWFWMD process, is this certification still necessary?
 - A. Yes, certification is still necessary no matter what institutional control mechanism was used.