



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

March 7, 2002

Mr. Tom Wesson
Bio-Cops Biotechnology, Inc.
120 Ocean Dunes Circle
Jupiter, Florida 33477

Re: COGEN V

Dear Mr. Wesson:

The Bureau of Petroleum Storage Systems hereby reaffirms its acceptance of COGEN V as an innovative technology for both in situ and ex situ bioremediation of petroleum, chlorinated solvents, organic pesticides and other contaminants in groundwater or soil. The three components of the system are naturally occurring, non-pathogenic microorganisms, nutrients, and an oxygen-producing biocatalyst. [This letter of reaffirmation is an update that supersedes all previous Cogen V acceptance letters issued to Bio-Cops Biotechnology Incorporated. The update includes removal of all references to the American Type Culture Collection \(ATCC\) at the request of the ATCC.](#) The results of a chemical analysis performed on the product are presented in enclosure 1.

For vadose remediation where the underlying groundwater will not be affected by leaching of this product, there are no special concerns beyond those which would normally need to be addressed in preparing a Remedial Action Plan and conducting a cleanup in accordance with the petroleum cleanup requirements of Chapter 62-770, Florida Administrative Code (F.A.C.). For ex situ groundwater treatment, where an aboveground treatment system produces effluent meeting the petroleum cleanup criteria of Chapter 62-770, F.A.C., and the drinking water standards of Chapter 62-550, F.A.C., for disposal via recharge gallery or NPDES permit, there are no special concerns. But for in situ groundwater remediation, via direct injection of COGEN V into an aquifer, there are underground injection control (UIC) regulations that must be observed. Since in situ aquifer remediation via injection is likely to be the most common application of this product, the bulk of the regulatory requirements discussed herein will be directed to that topic.

The bureau recognizes COGEN V as a viable product for the bioremediation of petroleum contaminated sites in Florida. There are no objections to its use provided: (a) the considerations of this letter are taken into account; (b) a Remedial Action Plan is approved by the Department; and (c) applicable and appropriate underground injection control regulations are observed when the product is used for in situ aquifer remediation via injection.

While the Department of Environmental Protection does not provide endorsement of specific or brand name remediation products or processes, it does recognize the need to determine their acceptability from an environmental standpoint with respect to applicable rules and regulations, and the interests of public health, safety and welfare. Vendors must then market the products and processes on their own merits regarding performance, cost and safety in

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comparison to competing alternatives in the marketplace. In no way, however, shall this regulatory acceptance letter be construed as Department certification of product or process performance. Additionally, the Department emphasizes a distinction between a regulatory "acceptance" and an approval. Products and processes are accepted; they are not approved. For COGEN V, the major environmental and regulatory considerations are set forth in enclosure 2.

Those who prepare Remedial Action Plans may include a copy of this letter in the appendix of plans they submit, and call attention to it in the text of their document. In this way, technical reviewers throughout the state will be informed that you have contacted the Department of Environmental Protection to inquire about its environmental acceptability. To aid those reviewers, the Bureau of Petroleum Storage Systems provides supplemental information as enclosure 3.

The Department reserves the right to revoke its acceptance of a product if its nature or performance has been falsely represented. Additionally, Department 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 Remedial Action Plans prescribing the product or process. You may contact me at 850/487-3299 if there are any questions.

Sincerely,

Rick Ruscito, P.E.
Bureau of Petroleum Storage Systems

c: Tom Conrardy - FDEP/Tallahassee

History:

inn_048.doc
10/17/2000

inn_048a.doc
6/13/2001

inn_048b.doc
3/7/02

ENCLOSURE 1

COGEN V CHEMICAL ANALYSIS

CHEMICAL SPECIES OR PARAMETER

	<u>AMOUNT</u>	<u>DETECTION LEVEL</u>	<u>UNITS</u>
<u>Primary Drinking Water Contaminants</u>			
Nitrate (as nitrogen)	ND †	0.050	mg/L ‡
Nitrite (as nitrogen)	ND †	0.050	mg/L
Sodium §	69.3	0.500	mg/L
<u>Secondary Drinking Water Contaminants</u>			
Iron	ND	0.020	mg/L
pH	8.03	n.a.	pH units
Total Dissolved Solids	338	4	mg/L
<u>Minimum Groundwater Criteria Contaminants of Chapter 62-777, F.A.C.</u>			
Ammonia Nitrogen	ND	0.040	mg/L
<u>Non-regulated Drinking Water Parameters</u>			
Calcium	17.6	0.100	mg/L
Magnesium	3.25	0.050	mg/L
Potassium	5.90	0.500	mg/L
Total Nitrogen	0.392	n.a.	mg/L
Total Kjeldahl Nitrogen ♁	0.392	0.040	mg/L
Total Phosphorus	0.186	0.010	mg/L

† ND denotes not detected at the indicated detection level.

‡ mg/L denotes milligrams per liter.

§ Sodium is a State of Florida primary drinking water contaminant with a maximum contaminant level (MCL) of 160 mg/L set forth in Chapter 62-550, F.A.C., but not a federal primary drinking water contaminant.

♁ Total Kjeldahl Nitrogen (TKN) is the sum of free ammonia and organic nitrogen compounds, expressed as elemental nitrogen.

ENCLOSURE 2

COGEN V: ENVIRONMENTAL AND REGULATORY INFORMATION

For COGEN V, the major environmental and regulatory concerns are listed below.

- a. Groundwater cleanup standards: The onus shall be on users of COGEN V to ensure that all applicable groundwater contaminant standards will be met at the time of project completion, for the contaminants of concern, any residuals associated with the ingredients of COGEN V, and any byproducts produced as a result of chemical or biochemical reactions involving those ingredients. The following chapters of the Florida Administrative Code are cited: Chapter 62-550, F.A.C., for primary and secondary water quality standards; Chapter 62-520, F.A.C. for groundwater classes and standards; Chapter 62-522, F.A.C., for groundwater permitting and monitoring requirements; Chapter 62-528, F.A.C., for underground injection control, particularly Part V, for Class V, Group 4 aquifer remediation projects; Chapter 62-770, F.A.C., for petroleum cleanup criteria; and Chapter 62-777, F.A.C.

A noteworthy aspect of the minimum criteria set forth in Chapter 62-520, F.A.C., is that it requires groundwater to be free from substances which are harmful to plants, animals, and organisms, and free from substances that are carcinogenic, mutagenic, teratogenic or toxic to human beings. In effect, these "free from" requirements form a catchall. They close what would otherwise be a loophole in the regulations by preventing injection of a potentially harmful product in the event that any of its ingredients is not regulated as a specific primary or secondary drinking water contaminant.

- b. Injection well permit: The issuance of a site specific Remedial Action Plan Approval Order by either the Bureau of Petroleum Storage Systems or the Bureau of Waste Cleanup, for remediation via injection of COGEN V into an aquifer, constitutes the granting of a Class V injection well permit.
- c. Groundwater injection standards: For in situ aquifer remediation, the composition of an injected fluid must meet the drinking water standards set forth in Chapter 62-550, F.A.C., pursuant to underground injection control Rule 62-528.600(2)(d), F.A.C. The chemical analysis of enclosure 1 shows that COGEN V meets this requirement.
- d. Utilization of wells: If a remediation site happens to have an abundance of monitoring wells, then the Department has no objection to the use of some wells for the application of COGEN V. However, no "designated" monitoring well, dedicated to the tracking of remediation progress (by sampling), shall be used to apply COGEN V. This will avoid premature conclusions that the entire site meets cleanup goals. By making sure that designated tracking wells are not also used for treatment, there will be more assurance that the treatment process has permeated the entire site and that it did not remain localized to the area immediately surrounding each injection well.
- e. Groundwater monitoring:
 1. Active remediation petroleum monitoring: During the period of active remediation, groundwater shall be monitored in accordance with the requirements set forth in Section 62-770.700, F.A.C. Two noteworthy rules within that section are 62-770.700(3)(i), F.A.C., for frequency

- of sampling, and 62-770.700(5)(f), F.A.C., which requires a sampling schedule for bioremediation. For non-petroleum cleanups, the monitoring should be conducted in accordance with the provisions of an approved Remedial Action Plan.
2. Post remediation petroleum monitoring: At least one (1) year of quarterly post remediation groundwater monitoring shall be conducted at a minimum of two (2) wells, one located in the area of maximum petroleum contamination, the other downgradient of the area of maximum petroleum contamination, pursuant to Section 62-770.750, F.A.C. For non-petroleum cleanups, the monitoring should be conducted in accordance with the provisions of an approved Remedial Action Plan.
 3. Underground injection control monitoring: Since no ingredient of COGEN V exceeds a maximum contaminant level (MCL) allowed by the drinking water standards of Chapter 62-550, F.A.C., the Department, pursuant to Rules 62-528.615(1)(b)1 and (2), F.A.C., has determined that the tracking of any particular ingredient shall not be mandatory for underground injection monitoring purposes.
- f. Underground injection control inventory: Remedial Action Plans prescribing in situ aquifer injection-type remediation shall include information pursuant to Rule 62-528.630(2)(c)1 through 6, F.A.C., for the inventory purposes of underground injection control. Per Rule 62-528.630(2)(c), F.A.C., aquifer remediation projects involving injection wells may be authorized under the provisions of a Remedial Action Plan, provided the construction, operation, and monitoring requirements of Chapter 62-528, F.A.C., are met. A memorandum outlining the inventory information about injection-type aquifer remediation plans, to be transmitted by Department reviewers, to the Underground Injection Control Section is provided as enclosure 4.
- g. Operation:
1. Avoidance of migration: For in situ injection-type aquifer remediation projects, injection of COGEN V shall be performed in such a way, and at such a rate and volume, that no undesirable migration of either the product's ingredients or the contaminants of concern in the aquifer results, pursuant to Rule 62-528.630(3), F.A.C.
 2. Underground injection control operating permit: Although an operating permit is not required for aquifer remediation wells pursuant to Rule 62-528.640(1)(b), and 62-528.640(1)(c), F.A.C., since no movement of the petroleum contamination plume is expected to accompany the COGEN V treatment process, the Department requests that the information items listed in Rule 62-528.640(1)(b), F.A.C., be considered and included in Remedial Action Plan proposals as a matter of good and thorough design practice. Briefly summarized, they are: quality of water in the aquifer; quality of the injected fluid; existing and potential uses of the affected aquifer; and well construction details. Additionally, each Remedial Action Plan should clearly indicate the total volume and overall concentration of COGEN V that will be injected.
 3. Operating parameter measurements: Rule 62-770.700(9)(h), F.A.C., sets forth frequency requirements for the measurement of bioremediation operating parameters such as dissolved oxygen levels, rates of nutrient addition, temperature, etc. It also includes an

option for reduction in the frequency or discontinuation of some measurements in situations when appropriate.

- h. Abandonment of wells: Upon issuance of a petroleum Site Rehabilitation Completion Order, or a declaration of "No Further Action", injection wells shall be abandoned pursuant to Section 62-528.645, F.A.C. The Underground Injection Control Section of the Department shall be notified so that the injection wells can be removed from the inventory-tracking list.

ENCLOSURE 3

COGEN V: SUPPLEMENTAL INFORMATION

The information below, compiled from several sources, may be helpful to reviewers of Remedial Action Plans prescribing bioremediation.

- a. Department of Environmental Protection reviewers of in situ injection-type aquifer remediation plans, regardless of whether in Tallahassee or district offices, must fill in the blanks on the enclosure 4 memorandum, whose subject is "Proposed Injection Well(s) for In Situ Aquifer Remediation at a Petroleum Remedial Action Site". The completed form must be submitted to the Underground Injection Control Section at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Only reviewers within the Department and its district offices may approve in situ injection-type remediation plans in which the approval constitutes the issuance of a Class V injection permit; local programs are not authorized to grant such approvals. Reason: Although an arrangement between the Environmental Protection Agency and the Department delegates underground injection control authority to the Department, it does not allow the Department to delegate that authority any further. This includes delegation to the Department's contracted remediation review agencies such as those operated by the counties and other local governments.

- b. Pilot study: For bioremediation, per rule 62-770.700(2), F.A.C., a pilot study proposal shall be submitted for review, and a pilot test shall be performed prior to designing a treatment system. If conditions or the situation at a site do not warrant a pilot study, then a proposal explaining the rationale for the decision not to perform a pilot study shall be submitted for review. The state's technical reviewers are encouraged to use judgment in balancing cost and the need for technical information to be obtained from a pilot study.
- c. Bacteria: It is generally reported (on a total weight basis) that bacteria are approximately 70 to 80 percent water. On a dry weight basis, approximately 95 percent of the composition is represented by 5 elements: carbon, oxygen, nitrogen, hydrogen, and phosphorus. At a petroleum remediation site, it is intended that the source of carbon for the growth of bacteria will come from the petroleum hydrocarbons themselves. Natural-occurring organic carbon at a site can also serve as a carbon source for bacteria. Depending on site's specific conditions, the remaining four elements must either be available naturally, or added as macronutrients in order to stimulate bioremediation. Micronutrients must also be present for bacteria to grow.
- d. Degradation products: Carbon dioxide and water are the ultimate products of aerobic and most anaerobic biodegradations of hydrocarbons. In the case of methanogenesis, an anaerobic process, carbon dioxide and methane are produced. The intermediate products of aerobic degradation may include simple acids, alcohols, and fatty acids. Aerobic processes use oxygen as an electron acceptor to produce carbon dioxide and water. In the case of COGEN V, a hydrogen gas (H_2) byproduct is liberated when a biocatalyst helps to separate groundwater (H_2O) molecules to produce oxygen (O_2) for bioremediation.
- e. Parameters: The following parameters may be useful in determining the potential for bioremediation at a site, or whether bioremediation is

already occurring. They were selected from a list that appears in the publication "In Situ Treatment Technology" by E. Nyer et al., Lewis Publishers, 1996. The parameters are dissolved oxygen; redox potential; pH; temperature; specific conductance; volatile organic compounds; nitrate; nitrite; ammonia nitrogen; manganese (total and dissolved); iron (total, dissolved, and ferrous); sulfate; sulfide; and total organic carbon. Gaseous parameters include carbon dioxide, oxygen, nitrogen, and methane. Other parameters that may be helpful are chemical oxygen demand, biochemical oxygen demand, and total organic carbon. Those who prepare bioremediation plans and their reviewers should determine which parameters, if any should be investigated on a site-specific basis.

- f. Dosage and application: It is expected that COGEN V will typically be injected as an aqueous slurry consisting of 3 pounds of microorganisms and 5 gallons of COGEN V nutrients and biocatalyst. (From information provided by the vendor, the Bureau of Petroleum Storage Systems infers that the typical application is on a "per injection point" basis.) However, the exact dosage may vary from site to site, depending upon site conditions, contaminant concentrations, soil characteristics, and the distance between injection points. COGEN V may be applied using injection wells or direct-push methods.

**Florida Department of
Environmental Protection**

Memorandum

TO: Richard Deuerling, Mail Station 3530
Division of Water Facilities
Underground Injection Control Section
Florida Department of Environmental Protection
2600 Blair Stone Road, Tallahassee, FL 32399-2400

FROM: _____ (Note 1.)

DATE: _____

SUBJ: **Proposed Injection Well(s) for In Situ Aquifer
Remediation at a Petroleum Remedial Action Site**

Pursuant to Rule 62-528.630(2)(c), F.A.C, inventory information is hereby provided regarding the proposed construction of temporary injection well(s) for the purpose of in situ aquifer remediation at a petroleum-contaminated site.

Site name: _____
Site address: _____
City/County: _____
Latitude/Longitude: _____
FDEP Facility Number: _____

Site owner's name: _____
Site owner's address: _____

Well contractor's name: _____ (Note 2.)
Well contractor's address: _____

Brief description of the in situ injection-type aquifer remediation project:

Summary of major design considerations and features of the project:

Areal extent of contamination (square feet): _____
Number of injection wells: _____
Composition of injected fluid (Note 3)
(ingredient, wt. %): _____

Injection volume per well (gallons): _____
Single or multiple injection events: _____
Injection volume total (all wells, all
events): _____

A site map showing the areal extent of the groundwater contamination plume, and the location and spacing of injection wells and associated monitoring wells is attached.

The following is a summary description of the affected aquifer:

Name of aquifer: _____

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Date: _____

Site name: _____
FDEP facility no.: _____

Depth to groundwater (feet): _____
Aquifer thickness (feet): _____

The injection well(s) features are summarized below, and/or a schematic of the injection well(s) is attached.

Direct-push or Conventional (circle the appropriate well type)

Diameter of well(s) (i.e., riser pipe & screen)(inches): _____
Total depth of well(s) (feet): _____
Screened interval: _____ to _____ feet below surface
Grouted interval: _____ to _____ feet below surface
Casing diameter, if applicable (inches): _____
Cased depth, if applic.: _____ to _____ feet below surface
Casing material, if applic.: _____

The in situ injection-type aquifer remediation plan for this petroleum contaminated site is intended to meet the groundwater petroleum cleanup criteria set forth in Chapter 62-770, F.A.C. Additionally, all other groundwater standards will be met at the time of project completion for any residuals associated with the ingredients of the injected remediation products, and any by-products or intermediates produced as a result of the chemical or biochemical transformation of those ingredients or the contaminating petroleum during their use. Applicable primary and secondary drinking water standards are set forth in Chapter 62-550, F.A.C., and additional groundwater quality criteria are set forth in Chapter 62-520, F.A.C.

The remediation plan estimates that site remediation will take _____ months. We will notify you if there are any modifications to the remediation strategy which will affect the injection well design or the chemical composition and volume of the injected remediation product(s).

The proposed remediation plan was approved on _____ by an enforceable approval order. A copy is attached. The remediation system installation is expected to commence within 60 days. Please call me at _____ if you require additional information.

Note 1. Local programs are not authorized to approve underground injections into aquifers. Reason: Per agreement with EPA, the FDEP cannot delegate this authority. Local programs, after reviewing a Remedial Action Plan or an injection proposal document, should follow the instructions in a March 16, 2000 memorandum to arrange for Department headquarters' execution of an approval order, and then complete this form. This form is primarily for use by state and local program technical reviewers, but petroleum remediation contractors may fill in all blanks except those labeled "FROM", "DATE", and "approval date", and "telephone number" blanks in the last paragraph. Those blanks should be completed only by a state or local program reviewer.

Note 2. If an injection well installation contractor has not yet been selected, then indicate the name and address of the project's general remediation contractor/consultant.

Note 3. Complete chemical analysis of injected fluid is required by Chapter 62-528, Florida Administrative Code. Proprietary formulations shall make confidential disclosure. Injected fluids must meet drinking water standards of Chapter 62-550, F.A.C., unless an exemption or variance has been granted.