



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

11/12/2024

Subject:

Request permission to execute Certification of Financial Responsibility for Local Government required by the Florida Department of Environmental Protection (FDEP) for a New Deep Injection Well Permit Application (District 3)

Fiscal Impact:

\$854,620 is estimated for permit application purposes only.

Dept/Office:

Utility Services

Requested Action:

It is requested that the Board authorize the County Manager to sign on behalf of Brevard County the Certificate of Financial Responsibility for Local Government associated with the permitting for a second deep injection well at the South Beaches Wastewater Treatment Facility.

Summary Explanation and Background:

Brevard County Utility Services Department is in the process of designing a second deep injection well at the South Beaches Wastewater Treatment Plant (WWTP) to meet the compliance deadline to eliminate nonbeneficial surface water discharge, per FS 403.064 by January 1, 2032. The second deep injection well (DIW) will provide added deep injection well capacity to accommodate our needs during high peak hour events. This Department received a \$2 M grant from the Florida Department of Environmental Protection for the design and permitting of the above-mentioned deep injection well.

As part of the permit application to add a DIW, the FDEP requires that a Certificate of Financial Responsibility for Local Government be included in the submittal. The purpose of this certificate is to assure the FDEP that any time the DIW needs to be closed, plugged, and abandoned, the local government has sufficient funds in order to do so. The engineer of record for this project estimates the cost to close, plug and abandon the well to be \$854,620. This requirement is stated in FAC 62-528.435. Requirements on who is able to sign this form is included in FAC 62-528.340.

Attachment A - Certificate of Financial Responsibility for Local Government

Attachment B - CDM Smith cost estimate to close plug, and abandon DIW

Attachment C - FAC 62-528.435 - Plugging and Abandonment Criteria and Procedures for Class I and II Wells.

Attachment D - FAC 62-528.340 - Signatories to Permit Applications and Reports for Underground Injection

Control

Clerk to the Board Instructions:

E-mail the Clerk memo to karina.perez@brevardfl.gov and mail the original to the Utility Services Department.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Kimberly.Powell@brevardclerk.us

November 13, 2024

M E M O R A N D U M

TO: Edward Fontanin, Utility Services Director Attn: Karina Perez

RE: Item F.7., Request Permission to Execute Certification of Financial Responsibility for Local Government Required by the Florida Department of Environmental Protection (FDEP) for a New Deep Injection Well Permit Application

The Board of County Commissioners, in regular session on November 12, 2024, authorized the County Manager to sign on behalf of Brevard County, the Certificate of Financial Responsibility for Local Government associated with the permitting for a second deep injection well at the South Beaches Wastewater Treatment Facility. Enclosed is the signed Certificate.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Denna Scott
Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Attorney
County Manager
Finance
Budget

CERTIFICATION OF FINANCIAL RESPONSIBILITY FOR LOCAL GOVERNMENT

Brevard County Utility Services Department, a unit of local government of the State of Florida, hereby certifies that it has unconditionally obligated itself to have the financial resources necessary to close, plug, and abandon its underground injection well(s) and related monitoring wells, as required by Chapter 62-528, Florida Administrative Code. It is further understood that the cost estimate to conduct plugging and abandonment, established on July 26, 2024, shall be updated thirty (30) months after the date of permit issuance and this obligation shall incorporate accumulated inflation costs. An increase exceeding 10 percent compared with the amount stated below shall require submission of an updated certification form.

Injection Wells and Monitoring Wells Covered By This Agreement:
(attach additional sheet if necessary)

Facility Name: Brevard County South Beaches Regional Wastewater Treatment Plant
Facility Address: 2800 South A1A
Facility Contact: Frank Abbate, County Manager
Phone Number: (321) 633-2004
Latitude/Longitude of Injection Well(s): IW-1: 28° 02' 27" & -80° 32' 49."/IW-2: 28° 02' 28" & -80° 32' 47"
Current Permit Number: 185898-005-UO/1M
Current Plugging and Abandonment Cost Estimate: \$854,620
(total for all injection and monitoring wells)

It is hereby understood that the cancellation of this certification may not take place without the prior written consent of the Secretary of the Florida Department of Environmental Protection.


(Signature)

NOTARY: See Next Page

Frank Abbate
(Print Name)

County Manager
(Title)

November 12, 2024.
(Date)

As approved by the Board on 11/12/2024.

Notary Form

State of Florida

County of: Brevard

Sworn to (or affirmed) and subscribed before me this 12 day of November, 2024

by Frank Abbate, County Mgr,
(Name of person making statement)

☒ Personally known to me

OR

☐ Produced the following identification _____

Kimberly Loughner
Notary Signature

Kimberly Loughner
Print, Type, or Stamp Commissioned Name of Notary Public

Apply Seal of Notary Public below - State of Florida



Table 4-1 Cost Estimate for Plugging and Abandoning IW-1, IW-2, MW-1 and MW-3, Brevard County SBRWWTP

Item	IW-1 (Existing)	IW-2 (Proposed)	Item	MW-1 (Existing)	MW-3 (Existing)
Contractor Mobilization	\$100,000	\$45,000	Contractor Mobilization	\$15,000	\$15,000
Kill Well, Remove Wellhead	\$15,000	\$15,000	Kill Well, Remove Wellhead	\$15,000	\$15,000
Geophysical Logging	\$15,000	\$15,000	Geophysical Logging	\$15,000	\$15,000
Cement Volume (ft ³):	5,925	6,030	Casing Cement Volume (ft3):	49	198
Cement Cost per ft ³ :	\$20	\$20	Cement Cost per ft3:	\$20	\$20
Total Cement Cost:	\$118,500	\$120,600	Casing Cement Cost:	\$980	\$3,960
Gravel Volume (ft ³):	2,626	2,111	Open Hole Cement Volume (ft3):	157	24
Gravel Volume per ft ³ :	\$20.00	\$20.00	Open Hole Cement Cost:	\$3,140	\$480
Total Gravel Cost:	\$52,520	\$42,220			
Complete below ground/ Add monument	\$5,000	\$5,000	Complete below ground/ Add monument	\$5,000	\$5,000
Subtotal	\$306,020	\$242,820	Subtotal	\$54,120	\$54,440
Contingency (at 15%):	\$45,903	\$36,423	Contingency (at 15%):	\$8,118	\$8,166
Consulting Fees (at 15%)	\$45,903	\$36,423	Contingency (at 15%):	\$8,118	\$8,166
Total for Plugging & Abandonment	\$397,826	\$315,666	Total for Plugging & Abandonment	\$70,356	\$70,772
Total Estimate for Plugging and Abandoning all 3 Wells	\$854,620				

62-528.435 Plugging and Abandonment Criteria and Procedures for Class I and III Wells.

(1) Upon determination by the Department that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the Department shall order the well plugged, unless otherwise provided for in a consent order.

(2) Any Class I or III permit shall include conditions to ensure that plugging and abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another. These conditions shall include mechanical integrity testing prior to plugging of the injection well, or monitor well which penetrates the injection zone or final confining unit, if fluid movement through channels adjacent to the injection well bore is suspected. Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation. The post-closure monitoring plan shall be designed in accordance with the requirements of paragraph 62-528.425(1)(j), F.A.C. Where the plan meets the requirements of this chapter, the Department shall incorporate it into the permit as a condition. Where the Department's review of an application indicates that the permittee's plan is inadequate, the Department shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this chapter, or deny the application. Where applicable, the plugging and abandonment plan shall address the proposed post-closure monitoring.

(3) Prior to abandoning Class I or III wells, the well shall be plugged with cement, or other materials if a Class III well, in a manner which will not allow the movement of fluids either into or between underground sources of drinking water. To use other plugging materials for Class III wells, the applicant shall demonstrate in the plugging and abandonment permit application that the proposed plugging materials will prevent movement of fluids into or between underground sources of drinking water.

(4) Placement of the plugging material shall be accomplished by one of the following methods:

- (a) The Balance Method;
- (b) The Dump Bailer Method;
- (c) The Two-Plug Method; or

(d) Any other recognized method which is as effective or more effective than those listed above for the placement of plugging material in a manner that will not allow fluid movement to occur into or between underground sources of drinking water.

(e) For wells with an open hole completion, the cement shall be emplaced beginning at the deepest point required in the permit and upward to land surface or other method approved by the Department following the process described in subsection 62-528.100(2), F.A.C.

(5) The well to be abandoned shall be in a state of static equilibrium with the mud weight equalized from top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Department, prior to the placement of the cement plug(s).

(6) The permittee shall notify the Department at least 180 days before conversion or abandonment of a Class I well, unless abandonment within a lesser period of time is necessary to protect the waters of the State.

(7) For all Class I wells, after removal of the tubing and packer (if applicable), the final or innermost string of casing shall be filled with neat cement grout or an approved equivalent from a depth of at least 10 feet below the bottom of the casing to land surface. Annular monitor tubes in an injection well are allowed to be left unplugged temporarily if they are to be used for their intended purpose and do not compromise the objectives listed above. If temporarily left open, the annular monitor tubes shall be plugged with cement at the end of post-closure monitoring. If the tubes are not used for monitoring, they shall be filled with neat cement from the bottom of the monitor zone to land surface.

(8) The plugging and abandonment plan required in Rules 62-528.435 and 62-528.460, F.A.C., shall, in the case of a Class III well field which underlies or is in an aquifer which has been exempted under subsection 62-528.300(3), F.A.C., also demonstrate that no movement of contaminants from the mined zone into an underground source of drinking water will occur. The Department shall prescribe aquifer cleanup and monitoring where necessary and feasible to ensure that no migration of contaminants from the mined zone into an underground source of drinking water will occur.

(9) Financial Responsibility. The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance approved as described in paragraph (b) below, to close, plug, and abandon the underground injection operation.

(a) Class I hazardous waste wells shall comply with the financial responsibility requirements of 40 C.F.R. pt. 144 Subpart F (1994).

(b) For Class I wells used to inject non-hazardous fluids these requirements are specified in the Department's document "State

of Florida Underground Injection Control Program Financial Responsibility Options for Owners and Operators of Injection Wells” (1996), which is incorporated herein by reference, and which may be obtained by writing to the Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In lieu of individual financial guarantees, the applicant shall furnish a financial guarantee covering all the applicant’s injection wells in this State. The Department shall require a certificate showing that the applicant has assured, through a performance bond or other appropriate means, that resources necessary to cover post-closure monitoring and any corrective action resulting from this monitoring have been provided.

(10) In the event a radioactive source tool has been irretrievably lost down an injection well, the Department shall be immediately notified. The well shall not be plugged until all applicable Nuclear Regulatory Commission regulations have been satisfied.

(11) Within 90 days after completion of plugging and abandonment the permittee of a well shall provide documentation that the well was properly abandoned.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.161 FS. History—New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.27, 17-28.270, 62-28.270, Amended 8-10-95, 6-24-97.

62-528.340 Signatories to Permit Applications and Reports for Underground Injection Control.

(1) **Applications.** All permit applications, except those submitted for Class II wells (see subsection (2) of this section), shall be signed as follows:

(a) For a corporation, by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:

1. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: Specific assignments or delegations of authority to responsible corporate officers identified in subparagraph 1. above is not required. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Department to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under subparagraph 2. above rather than to specific individuals.

(b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a state or federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(2) **Reports.** All reports required by permits and other information requested by the Department shall be signed by a person described in subsection (1) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subparagraph (1) of this section;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(c) The written authorization is submitted to the Department.

(3) **Changes to authorization.** If an authorization under subsection (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (2) of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) **Certification.** Any person signing a document under subsection (1) or (2) of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Specific Authority 373.309, 403.087 FS. Law Implemented 373.308, 403.087 FS. History—New 8-10-95, Amended 6-24-97.