Appendix E

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM, FEDERAL CONSISTENCY EVALUATION

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FEDERAL CONSISTENCY EVALUATION

PROPOSED PLAN FOR SEDIMENT REMOVAL
MIAMI RIVER AND SEYBOLD CANAL
DADE COUNTY, FLORIDA

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes. Also the project must be consistent with any beach and inlet management plans.

Response: The proposed project, a s discussed in the Draft Environmental Impact Statement, is exempt from regulation by the State of Florida under the provisions of Section 404 (r) of the Clean Water Act (PL 92-500, as amended). There is no approved management plan for the Miami River.

2. Chapters 186 and 187, State and regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project has been coordinated with the agencies of the State of Florida. Issues raised by the State have been addressed, and studies requested have been performed and discussed in the Draft Final Environmental Impact Statement.

3 . Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The proposed project will improve navigation safety within confines of the Miami River. It will have no adverse effects on the public peach, health or safety of the people of Florida . Therefore, this project would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water - resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed project, by removing the potential of contaminated sediments becoming resuspended and subsequently deposited in the significant biological habitats of Biscayne Bay, is consistent with the goals of this chapter.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the State to manage State parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The project will not directly or indirectly adversely impact State Parks or aquatic preserves. The project will offer benefits to the Biscayne Bay Aquatic Preserve through the removal of contaminated sediments that become deposited in the Preserve.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project has been coordinated with the State Historic Preservation Officer (SHPO). The project will have no adverse impacts on cultural resources in the project area. Therefore, the project will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism

This chapter directs the State to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed project would provide a net economic benefit to the local and regional economy. The project will be compatible with economic diversification and tourism for the area and therefore, would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe, balanced and efficient transportation system.

Response: No public transportation systems would be impacted by this project.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the State to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the State engaged in the taking of such resources within or without State waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and the studies and research.

Response: The project will offer beneficial results to the marine and estuarine environment. Contaminated sediments currently become resuspended in 'the Miami River and enter Biscayne Bay, where they settle to the bottom. Removal of the sediments from the Miami River and Seybold Canal will reduce the likelihood of contaminated sediments entering Biscayne Bay and becoming incorporated into marine life. Manatee protection measures will be implemented to ensure no adverse effects. The project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The proposed project has been coordinated with the U.S. Fish and Wildlife Service and The National Marine Fisheries Service for compliance with Section 7 of the Endangered Species Act. The potential effects of this project on threatened or endangered species is discussed in the DEIS. The project would comply with the goals of this chapter.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This project does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This project involves the dredging, transportation and disposal of contaminated sediments removed from the Miami River and Seybold Canal. The contractor will be required to take whatever means are necessary to minimize the resuspension of sediments during dredging operations and the spillage of sediments during transportation, and to contain the sediments during disposal operations.

14. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

15. Chapter 380, Environmental Land-and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The proposed project will provide a net economic benefit to the local and regional economy by facilitating shipping operations on the Miami River. The proposed project is consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes or other pest arthropods within the state.

Response: The project would not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DER.

Response: The Federal Section 404 (r) exemption would apply to all aspects of the project. Agencies of the State of Florida have provided input into the preparation of the DEIS. The DEIS discusses potential impacts of the project on water quality. Therefore, the project will comply with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the State soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both on-site or in adjoining properties affected by the project. Particular attention will be given to project on or near agricultural lands.

Response: The proposed project is not located near or on agricultural lands; therefore, this chapter does not apply.

Attachment E

TOXICITY CHARACTERISTIC RULE, SUBTITLE C, RCRA – MAXIMUM CONCENTRATION OF CONTAMINANTS FOR TOXICITY CHARARACTERISTIC AS DETERMINED USING TCLP

AND

DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM) SOIL DISPOSAL CRITERIA AND CLEAN SOIL CRITERIA/CLEAN BACKFILL CRITERIA

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM)
INTERIM CLEAN SOIL CRITERIA

ORGANICS:			**INORGANICS:**			
VOH's[a]	<50	ug/kg	SPLP/TCLP[e] As:	<0.01 mg/l	SPLP/TCLP[e] Pb:	<0.015 mg/l
VOA's[b]	<100	ug/kg	SPLP/TCLP[e] Ba:	<2.00 mg/l	SPLP/TCLP[e] Hg:	<0.002 mg/l
PAH's[c]	<1	mg/kg	SPLP/TCLP[e] Cr:	<0.100 mg/l	SPLP/TCLP[e] Se:	<0.050 mg/l
FL-PRO[d]	<50	mg/kg	SPLP/TCLP[e] Cu:	<1.00 mg/l	SPLP/TCLP[e] Cd:	<0.005 mg/l
			SPLP/TCLP[e] Ni:	<0.100 mg/l	SPLP/TCLP[e] Ag:	<0.100 mg/l

a. Total Volatile Organic Halogens by EPA Method 8021B.
b. Total Volatile Organic Aromatics by EPA Method 8021 B.
c. Total Polynuclear Aromatic Hydrocarbons by EPA Method 8100.
d. Petroleum Range Organics by FDEP Method FL-PRO.
e. Synthetic Precipitation Leaching Procedure (SPLP) by EPA Method 1312/Toxic Characteristic Leachate Procedure (TCLP) by EPA Method 1311. SPLP/TCLP criteria are based on Miami-Dade County Chapter 24-11.1(2)(E), Environmental Protection Ordinance Cleanup Target Levels, and State of Florida groundwater standards. If the soil has originated from an area that has been impacted by oily waste, TCLP must be used; otherwise, either SPLP or TCLP may be utilized. If total metal concentrations are less than twenty (20) times the SPLP/TCLP criteria or the best achievable Method Detection Limit, as approved by DERM, the SPLP/TCLP requirement may be waived. SPLP/TCLP analytical reports shall include the final pH of the extract.

Clean Soil Application Limitations:

1. Sample collection must be in accordance with the Standard Operating Procedure established by Chapter 62-713, F.A.C., or a DERM-approved sampling plan. Sufficient sample must be collected and retained under proper storage conditions such that selected samples may be analyzed for both total and SPLP/TCLP constituents, as appropriate.

2. For organic compounds, in addition to meeting the total VOH, VOA and PAH criteria provided above, individual constituents must also be equal to or below the lower of the Residential Direct Exposure Goals (DEGS) and applicable Leachability Goals (LGs) provided in the Soil Cleanup Target Levels (SCTLS) for Miami-Dade County Chapter 2411.1(2)(E), Environmental Protection Ordinance.

For inorganic compounds, in addition to meeting the TCLP/SPLP criteria, selected samples must be analyzed for total metals. Total metal concentrations must be equal to or below the DEGs provided in the SCTLs for Miami-Dade County Chapter 24-11.1(2)(E), Environmental Protection Ordinance.

Clean Soil Application Limitations (continued):

3. DERM has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. The consultant collecting the samples must have a current Florida Department of Environmental Protection (FDEP) approved Comprehensive Quality Assurance Plan (CompQAP). The laboratory analyzing the samples must have a Florida HRS certification and a current FDEP approved CompQAP. If the data that are subsequently submitted exhibit a substantial variance from the DERM split sample analyses, a complete resampling using two independent certified laboratories will be required.

4. The above listed parameters constitute the normal sampling/analytical requirements for **soils** considered for Clean Soil designation. Certain constituents may be added to or deleted from the list depending on site-specific conditions. Therefore, please contact the appropriate DERM Project Manager at (305) 372-6804 prior to sample collection.

5. Soil sample results must be reported on dry weight basis.

6. The quantities of soil to be disposed may affect the possible disposal alternatives.

7. All hazardous wastes must be disposed at an EPA approved facility. All other contaminated soils will be evaluated by DERM for disposal at alternate facilities.

8. **These criteria are considered interim at this time.** New clean soil criteria will be provided in 2002, which will consider natural background soil concentrations in Miami-Dade County. Therefore, please consult DERM prior to sample collection or data transmittal in 2002.

9. Since groundwater is assumed not to have been adversely impacted by soils meeting these criteria, there are no specific groundwater monitoring requirements. However, since the potential for ecological impacts from soils meeting these criteria has not been evaluated, soils **cannot** be reused in wetlands or surface bodies of water.

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