

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ENVIRONMENTAL COST RECOVERY
CLAUSE**

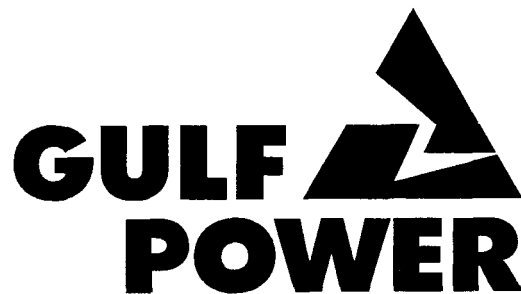
DOCKET NO. 060007-EI

**PREPARED DIRECT TESTIMONY
OF
JAMES O. VICK**

**PROJECTION FILING
FOR THE PERIOD**

JANUARY 2007 – DECEMBER 2007

SEPTEMBER 1, 2006



A SOUTHERN COMPANY

DOCUMENT NUMBER DATE

08023 SEP-18

FPSC-COMMISSION CLERK

1 GULF POWER COMPANY

2 Before the Florida Public Service Commission

3 Prepared Direct Testimony and Exhibit of

4 James O. Vick

5 Docket No. 060007-EI

6 September 1, 2006

7

8 Q. Please state your name and business address.

9 A. My name is James O. Vick and my business address is One Energy
10 Place, Pensacola, Florida, 32520.

11

12 Q. By whom are you employed and in what capacity?

13 A. I am employed by Gulf Power Company as the Director of Environmental
14 Affairs.

15

16 Q. Mr. Vick, will you please describe your education and experience?

17 A. I graduated from Florida State University, Tallahassee, Florida, in 1975
18 with a Bachelor of Science Degree in Marine Biology. I also hold a
19 Bachelor's Degree in Civil Engineering from the University of South
20 Florida in Tampa, Florida. In addition, I have a Masters of Science
21 Degree in Management from Troy State University, Pensacola, Florida. I
22 joined Gulf Power Company in August 1978 as an Associate Engineer. I
23 have since held various engineering positions with increasing
24 responsibilities such as Air Quality Engineer, Senior Environmental
25 Licensing Engineer, and Manager of Environmental Affairs. In 2003,

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FLORIDA PUBLIC SERVICE COMMISSION DE FRK

1 I assumed my present position as Director of Environmental Affairs.

2

3 Q. What are your responsibilities with Gulf Power Company?

4 A. As Director of Environmental Affairs, my primary responsibility is
5 overseeing the activities of the Environmental Affairs section to ensure the
6 Company is, and remains, in compliance with environmental laws and
7 regulations, i.e., both existing laws and such laws and regulations that
8 may be enacted or amended in the future. In performing this function, I
9 have the responsibility for numerous environmental activities.

10

11 Q. Are you the same James O. Vick who has previously testified before this
12 Commission on various environmental matters?

13 A. Yes.

14

15 Q. Mr. Vick, what is the purpose of your testimony?

16 A. The purpose of my testimony is to support Gulf Power Company's
17 projection of environmental compliance costs recoverable through the
18 Environmental Cost Recovery Clause (ECRC) during the period from
19 January 2007 through December 2007.

20

21 Q. Have you prepared an exhibit that contains information to which you will
22 refer in your testimony?

23 A. Yes, I have. My exhibit includes the following documents:

- 24 • Florida Clean Air Interstate Rule (FCAIR)
25 • Florida Clean Air Mercury Rule (FCAMR)

- 1 • Plant Crist National Pollutant Discharge Elimination System
- 2 (NPDES) permit
- 3 • Plant Scholz NPDES permit

4

5 Counsel: We ask that Mr. Vick's' Exhibit consisting

6 of four documents be marked

7 as Exhibit No. _____(JOV-1).

8

9 Q. Mr. Vick, please identify the capital projects included in Gulf's ECRC

10 projection filing.

11 A. A listing of the environmental capital projects for which Gulf seeks

12 recovery through the ECRC has been provided to Ms. Martin and is

13 included in Schedules 3P and 4P of her testimony. Schedule 4P reflects

14 the expenditures, clearings, retirements, salvage and cost of removal

15 currently projected by month for each of these projects. These amounts

16 were provided to Ms. Martin, who has compiled the schedules and

17 calculated the associated revenue requirements for Gulf's requested

18 recovery.

19

20 Q. Have all of the capital projects shown on Ms. Martin's schedules been

21 previously approved by the Commission?

22 A. No. Gulf's 2007 ECRC capital projection includes two new compliance

23 programs in addition to capital programs previously approved by the

24 Commission. One of these new programs falls under the umbrella

25 heading of Air Quality programs while the other new program falls under

1 the umbrella heading of Water Quality programs.

2

3 Q. Mr. Vick, please describe the new program that falls under the Air Quality
4 program heading that is to be considered for cost recovery.

5 A. The first new program, (Line Item 1.26), is the CAIR/CAMR Compliance
6 Program. This program is necessary to comply with Clean Air Interstate
7 Rule (CAIR) and the Clean Air Mercury Rule (CAMR) regulations
8 promulgated by the United States Environmental Protection Agency (EPA)
9 in March 2005 and subsequently adopted by the Florida Department of
10 Environmental Protection (FDEP) in June 2006.

11 The EPA's CAIR, which is published in Chapter 40 of the Code of
12 Federal Regulations (CFR) Parts 51, 72, 73, 74, 77, 78, and 96, restricts
13 sulfur dioxide ("SO₂") and nitrogen oxide ("NO_x") air emissions that
14 contribute to fine particulate and ground level ozone in downwind states.
15 The basic EPA requirements were subsequently adopted by FDEP on
16 June 29, 2006 in Chapter 62 Florida Administrative Code (F.A.C.) Parts
17 204, 210, and 296. The CAIR will use a two-phase cap and trade
18 approach to reduce NO_x and SO₂ emissions from electric generating units
19 in 28 eastern states including Florida starting in 2009 and 2010,
20 respectively. The emissions controlled by the CAIR requirements are
21 also impacted by a separate regulatory scheme that will require Gulf to
22 meet the Best Available Retrofit Technology (BART) emission control
23 requirements under the Regional Haze Rule. The Regional Haze Rule
24 was promulgated by EPA on July 6, 2005 to reduce visibility impairing
25 pollutants from twenty-six source categories, including electric generating

1 units. The FDEP will begin rulemaking in September 2006 to adopt a
2 State Implementation Plan requiring BART-eligible sources (generating
3 units built between 1962 and 1977, which have the potential to emit more
4 than 250 tons per year of any visibility impairing pollutant) to propose
5 BART controls or to demonstrate through modeling why they should be
6 exempt from BART regulation. Both EPA and FDEP have indicated that
7 compliance with CAIR through retrofit technology added to generating
8 units to control emissions may also meet the BART requirements of the
9 Regional Haze Rule. This dual compliance benefit would not be available
10 if a strategy of exclusively purchasing allowances is used to meet the
11 requirements of the CAIR rule.

12 The CAMR (Chapter 40 CFR Parts 60, 72, and 75) limits mercury
13 emissions from new and existing coal-fired power plants. Like CAIR,
14 CAMR will also be implemented through a market-based cap and trade
15 approach, achieving a reduction in mercury emissions in two phases of
16 approximately 20% by 2010 and approximately 70% by 2018. The basic
17 EPA requirements of CAMR were also adopted by FDEP on June 29,
18 2006 in Chapter 62 of the Florida Administrative Code, Parts 204, 210,
19 and 296. The State of Mississippi plans to adopt verbatim the EPA CAIR
20 and CAMR rules later this year.

21 Immediately after the passage of the EPA CAIR and CAMR in
22 2005, Gulf began extensive engineering, design, and other planning
23 activities in order to be prepared to move ahead with the most reasonable
24 strategy for compliance with the CAIR and CAMR requirements once they
25 were adopted by Florida. This strategy was finalized shortly after the

1 adoption of the Florida CAIR and CAMR this past June and
2 implementation has begun. Due to the applicability of the Commission's
3 rule regarding use of AFUDC, the program requirements for Gulf's
4 CAIR/CAIR strategy do not begin impacting ECRC revenue requirements
5 until 2007.

6 For the 2007-2012 time period, Gulf's CAIR/CAMR Compliance
7 Program will require the installation of Scrubbers at Plants Crist (2009)
8 and Daniel (2011), Selective Catalytic Reduction (SCR) control technology
9 at Plant Crist on Unit 6 (2010), Selective Non-Catalytic Reduction (SNCR)
10 controls at Plants Smith (2009), Scholz (2010), and Daniel (2009), as well
11 as Low NOx burners at Plant Daniel (2009). It will also require new
12 mercury emission monitoring equipment for mercury compliance
13 verification at all of Gulf's generating units (2007-2008) as well as the
14 Plant Daniel units (2007-2008).

15 For the 2013-2017 time period, Gulf's CAIR/CAMR Compliance
16 Program is currently projected to include the addition of a scrubber and a
17 baghouse at Plant Smith and SCRs at Plant Daniel. The in-service dates
18 for this equipment will be partially determined by the final BART rules and
19 the onset of Phase II of the Florida CAIR, the Florida CAMR, the
20 Mississippi CAIR, and the Mississippi CAMR.

21 For the purpose of the 2007 projection of ECRC revenue
22 requirements, the Plant Crist scrubber project will incur expenditures
23 totaling \$34.4 million. This will include relocating the Unit 7 cooling tower
24 and several sections of existing transmission lines. These activities will be
25 completed during 2007 to create space for construction of the scrubber

1 vessel and other ancillary equipment. Other 2007 projected expenditures
2 include materials, site preparation, and foundation construction as well as
3 detailed engineering and design costs. The 2007 projected expenditures
4 for the Smith SNCRs, totaling \$3.5 million, and the Daniel Low NOx
5 burners, \$540,000, primarily include expenditures for engineering and
6 material procurement. The projected 2007 expenditures for installation
7 and certification of new mercury emissions monitoring systems to comply
8 with CAMR are \$1.4 million.

9
10 Q. Mr. Vick, please describe the new Water Quality program that Gulf seeks
11 to recover.

12 A. The second new capital project program (Line Item 1.27) is the General
13 Water Quality Sampling Boat. Gulf expects to incur capital expenditures
14 of \$28,600 during 2007 to purchase a boat for new surface water
15 sampling that is required by the Plant Crist and Plant Scholz NPDES
16 permits. Pursuant to Chapter 62 Part 302.520(1), F.A.C., the FDEP has
17 included new requirements in Gulf's recently issued NPDES permits for
18 both Plants Crist and Scholz. These permits require Gulf Power to
19 establish a biological evaluation plan and implementation schedule for
20 each plant. Gulf must now evaluate the effects from each plant's water
21 discharge on the biological communities in the receiving water bodies.
22 Additional monitoring of aquatic species in each plant's respective
23 receiving water must be conducted to comply with these new permit
24 conditions. Plant Crist's Plan must be submitted no later than November
25 14, 2007 and monitoring will most likely begin in 2008. Plant Scholz's

1 Plan was submitted during January 2006 and monitoring will begin in
2 2007. In addition, these NPDES permits, also have a condition that
3 requires compliance with 40 CFR Part 125.95(a)(1) and (2), also known
4 as 316(b), which requires monitoring aquatic communities to determine
5 the effects of impingement and entrainment on organisms within each
6 plant's once through cooling water systems. Purchasing a boat to
7 conduct these studies in-house will reduce a portion of the anticipated
8 316(b) expenses that are currently being recovered through the ECRC as
9 part of the previously approved Cooling Water Intake Program.

10

11 Q. Mr. Vick, please identify expenditures for the 2007 projection period
12 related to expansions of previously approved capital projects that are
13 required for environmental compliance.

14

A. There are five other previously approved capital projects that have
15 additional capital expenditures. Three of the projects are related to Gulf's
16 existing Air Quality programs: Continuous Emission Monitoring (CEMs)
17 replacements, Precipitator Upgrades for Compliance Assurance Monitoring
18 (CAM) Compliance, and the Plant Crist FDEP Agreement for Ozone
19 Attainment. The Plant Groundwater Investigation project and the SO₂
20 allowances will also have projected expenditures in 2007.

21

22 1. CEMs (Line 1.5) -- During the 2007 recovery period the CEMs project
23 includes the replacement of flow monitors at Plant Smith and Plant Daniel.
24 Flow monitors are necessary in order to provide the accuracy and
25 reliability needed to measure SO₂ and NO_x for compliance with Chapter

1 40 CFR Part 75 under the Acid Rain Program. The existing monitors are
2 approaching the end of their useful lives, and will be retired upon
3 replacement. The 2007 expenditures are expected to be \$313,238.
4

5 2. Precipitator Upgrades for CAM Compliance (Line Item 1.22) --

6 CAM requirements are regulated under Chapter 40 CFR Part 64 which
7 requires a method of continuously monitoring pollution control equipment.
8 Opacity can be used as a surrogate parameter if the precipitator
9 demonstrates a correlation between opacity and particulate matter. Gulf
10 demonstrated this correlation by stack testing in 2003 and 2004, and
11 submitted the results to the FDEP as part of a CAM plan in Gulf's Title V
12 Air Permit renewals in 2004. The precipitator upgrades that are included
13 under this line item on Ms. Martin's schedules are necessary to meet the
14 more stringent surrogate opacity standards under CAM. The Plant Smith
15 Unit 1 precipitator upgrade which was initiated in 2006 will be completed
16 during the second quarter of 2007. In addition, precipitator upgrades are
17 planned for Plant Scholz Unit 2 and Plant Crist Units 4 & 5 in 2007. The
18 Scholz project will be placed in-service during 2007, however the Crist
19 projects will not be completed until 2008. Gulf's projected 2007
20 expenditures for CAM precipitator upgrades are \$12.4 million.
21

22 3. Crist FDEP Agreement for Ozone Attainment (Line 1.19) --

23 For the 2007 projection, Gulf has included capital costs associated with
24 implementation of the Plant Crist FDEP Agreement for Ozone Attainment
25 to meet the terms of the August 28, 2002 agreement with FDEP. Gulf will

1 be replacing the SCR catalyst and installing an additional ash piping
2 system to manage waste products associated with the operation of the
3 SCR system on Crist Unit 7. The projected 2007 expenditures for the
4 Crist FDEP Agreement project is \$2.24 million.

5
6 4. Plant Groundwater Investigation (Line Item 1.23) -- The FDEP
7 published a new arsenic groundwater standard that lowered the limit from
8 0.05 mg/L to 0.01 mg/L, effective January 1, 2005. Gulf expected to incur
9 capital expenditures during 2006 to ensure continued compliance with the
10 arsenic groundwater standards; however these projects have been
11 postponed until Gulf receives FDEP's response to the Plant Crist and
12 Plant Scholz groundwater studies. The 2007 projected expenditures for
13 the Plant Groundwater Investigation are \$350,000.

14
15 5. SO₂ Allowances (Line Item 1.28) -- Gulf Power has included the
16 purchase of additional SO₂ allowances in the 2007 projection filing. Part
17 of Gulf's strategy to comply with the Clean Air Act Amendments (CAAA) of
18 1990 was to bring several of Gulf's Phase II generating units into
19 compliance early and bank the SO₂ allowances associated with those
20 units. This bank has slowly been drawn down over the years due to more
21 allowances being consumed than are allocated to Gulf by EPA. Gulf
22 plans to meet this shortfall by using forward contracts to secure 15,000
23 year 2007 vintage allowances. Additional forward contracts for future
24 vintage year allowances will be executed if future forecasts predict a
25 continuous need. Gulf's strategy also includes possible spot market

1 purchases of allowances as prices dictate. The reasoning behind the
2 strategy of forward contracts and spot market purchases to secure
3 allowances in 2007 is Gulf's concern over the availability and the price of
4 SO₂ allowances as the compliance deadline for CAIR approaches. Many
5 utilities are no longer selling any allowances in anticipation of their own
6 shortfall in the coming years.

7
8 Q. Please compare the Environmental Operation and Maintenance (O&M)
9 activities listed on Schedule 2P of Ms. Martin's Exhibit to the O&M
10 activities approved for cost recovery in past ECRC proceedings.

11 A. All of the O&M activities listed on Schedule 2P have been approved for
12 recovery through the ECRC in past proceedings.

13
14 Q. Please describe the O&M activities included in the Air Quality category
15 that have projected expenses in 2007.

16 A. There are five O&M activities included in the Air Quality category that
17 have projected expenses in 2007. On Schedule 2P, Air Emission Fees
18 (Line Item 1.2), represents the expenses projected for the annual fees
19 required by the CAAA that are payable to the FDEP. The expenses
20 projected for the recovery period total \$779,874.

21 Included in the Air Quality category, Title V (Line Item 1.3),
22 represents projected expenses associated with the implementation of the
23 Title V permits. The total estimated expenses for the Title V Program
24 during 2007 are \$87,456.

25 On Schedule 2P, Asbestos Fees (Line Item 1.4), consists of the

1 fees required to be paid to the FDEP for the purpose of funding the
2 State's asbestos abatement program. The expenses projected for the
3 recovery period total \$2,250.

4 Emission Monitoring (Line Item 1.5) on Schedule 2P reflects an
5 ongoing O&M expense associated with the Continuous Emission
6 Monitoring equipment as required by the CAAA. These expenses are
7 incurred in response to EPA's requirements that the Company perform
8 Quality Assurance/Quality Control (QA/QC) testing for the CEMs,
9 including Relative Accuracy Test Audits (RATAs) and Linearity Tests.
10 Other activities within this category include the testing, development, and
11 implementation of new compliance assurance monitoring requirements
12 associated with the Clean Air Act Amendment. The expenses expected to
13 occur during the 2007 recovery period for these activities total \$580,357.

14 The FDEP NOx Reduction Agreement (Line Item 1.19), includes
15 the O&M cost associated with the Plant Crist Unit 7 SCR and Crist Units
16 4-6 SNCR projects that were included as part of the 2002 agreement with
17 FDEP. This O&M line item includes the cost of anhydrous ammonia,
18 urea, air monitoring, and general operation and maintenance expenses
19 related to the activities undertaken in connection with the Agreement.
20 Gulf was granted approval for recovery of the costs incurred to complete
21 these activities in Docket No. 020943-EI through Order Number PSC-02-
22 1396-PAA-EI. The projected expenses for the 2007 recovery period total
23 \$3,071,207.

1 Q. What O&M activities are included in Water Quality?

2 A. The first activity, General Water Quality (Line Item 1.6), identified in
3 Schedule 2P, includes Soil Contamination Studies, Dechlorination,
4 Groundwater Monitoring Plan Revisions, Surface Water Studies, and the
5 Cooling Water Intake Program. The expenses expected to be incurred
6 during the projection period for this line item total \$485,287.

7 The second activity listed in the Water Quality Category,
8 Groundwater Contamination Investigation (Line Item 1.7), was previously
9 approved for environmental cost recovery in Docket No. 930613-EI. This
10 activity is projected to incur incremental expenses totaling \$1,352,251.

11 Line Item 1.8, State NPDES Administration, was previously
12 approved for recovery in the ECRC and reflects expenses associated with
13 annual fees for Gulf's three generating facilities in Florida. These
14 expenses are expected to be \$42,000 during the projected recovery
15 period.

16 Finally, Line Item 1.9, Lead and Copper Rule, was also previously
17 approved for ECRC recovery and reflects sampling, analytical and
18 chemical costs related to lead and copper in drinking water. These
19 expenses are expected to total \$10,000 during the 2007 projection period.

20

21 Q. What activities are included in the Environmental Affairs Administration
22 Category?

23 A. Only one O&M activity is included in this category on Schedule 2P (Line
24 Item 1.10) of Ms. Martin's exhibit. This line item refers to the Company's
25 Environmental Audit/Assessment function. This program is an

1 on-going compliance activity previously approved for ECRC recovery.
2 Expenses totaling \$4,300 are expected during the 2007 recovery period.

3
4 Q. What O&M activities are included in the General Solid and Hazardous
5 Waste category?

6 A. Only one program, General Solid and Hazardous Waste (Line Item 1.11)
7 is included in the Solid and Hazardous Waste category on Schedule 2P.
8 This activity involves the proper identification, handling, storage,
9 transportation and disposal of solid and hazardous wastes as required by
10 federal and state regulations. The program includes expenses for Gulf's
11 generating and power delivery facilities. This program is a previously
12 approved program that is projected to incur incremental expenses totaling
13 \$485,428.

14
15 Q. In addition to the four major O&M categories listed above, are there any
16 other O&M activities which have been approved for recovery that have
17 projected expenses?

18 A. Yes. There are three other O&M categories that have been approved in
19 past proceedings which have projected expenses. They are the Above
20 Ground Storage Tanks program, the Sodium Injection System, and SO₂
21 Allowances.

22
23 Q. What O&M activities are included in the Above Ground Storage Tanks
24 category?

25 A. Only one program, Above Ground Storage Tanks (Line Item 1.12), is

1 included in this category. This program is expected to incur \$101,050 of
2 expenses during 2007.

3

4 Q. What activity is included in the Sodium Injection (Line Item 1.16)
5 category?

6 A. The Sodium Injection System, approved in Docket Number No. 990667-EI
7 for inclusion in the ECRC, involves sodium injection to the coal supply to
8 enhance precipitator efficiencies when burning certain low sulfur coals at
9 the plant. The line item projected expenses for the 2007 recovery period
10 total \$275,000.

11

12 Q. Please describe the activity included in the SO₂ Allowances (Line Item
13 1.20).

14 A. This program includes expenses for SO₂ allowances for Gulf's generating
15 plants. The purchase of additional allowances has increased the
16 weighted average cost of allowances being expensed.

17

18 Q. Mr. Vick, does this conclude your testimony?

19 A. Yes.

20

21

22

23

24

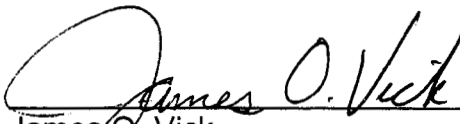
25

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF ESCAMBIA)

Docket No. 060007-EI

Before me the undersigned authority, personally appeared James O. Vick, who being first duly sworn, deposes, and says that he is the Director of Environmental Affairs of Gulf Power Company, a Florida corporation, and that the foregoing is true and correct to the best of his knowledge, information, and belief. He is personally known to me.



James O. Vick
Director of Environmental Affairs

Sworn to and subscribed before me this 31st day of August, 2006.



Notary Public, State of Florida at Large

Commission Number:

Commission Expires:



Exhibit to the Testimony of James O. Vick

Exhibit (JOV-1)_____

<u>Enclosed Documentation</u>	<u>Page</u>
Florida Clean Air Interstate Rule (FCAIR)	1
Florida Clean Air Mercury Rule (FCAMR)	9
Plant Crist National Pollution Discharge Elimination System (NPDES) permit	27
Plant Scholz NPDES permit	65

62-204.800 Federal Regulations Adopted by Reference. All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (15) No change.

(16) Chapter 40, Code of Federal Regulations, Part 72, Permits Regulation.

(a) The following subparts of 40 CFR Part 72, revised as of July 1, 2005 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 72, Subpart A, Acid Rain Program General Provisions; amended April 28, 2006, at 71 FR 25327 ~~August 15, 2001, at 66 FR 42761; amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503~~ ~~amended May 18, 2005, at 70 FR 28605.~~

2. 40 CFR 72, Subpart B, Designated Representative; amended April 28, 2006, at 71 FR 25327.

3. 40 CFR 72, Subpart C, Acid Rain Permit Applications.

4. 40 CFR 72, Subpart D, Acid Rain Compliance Plan and Compliance Options.

5. 40 CFR 72, Subpart E, Acid Rain Permit Contents.

6. 40 CFR 72, Subpart F, Federal Acid Rain Permit Issuance Procedures.

7. 40 CFR 72, Subpart G, Acid Rain Phase II Implementation.

8. 40 CFR 72, Subpart H, Permit Revisions.

9. 40 CFR 72, Subpart I, Compliance Certification.

(b) The following appendices of 40 CFR Part 72, revised as of July 1, 2005 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Methodology for Annualization of Emissions Limits.

2. Appendix B, Methodology for Conversion of Emissions Limits.

3. Appendix C, Actual 1985 Yearly SO₂ Emissions Calculation.

4. Appendix D, Calculation of Potential Electric Output Capacity.

(17) Chapter 40, Code of Federal Regulations, Part 73, Sulfur Dioxide Allowance System. The following subparts of 40 CFR Part 73, revised as of July 1, 2005 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

- (a) 40 CFR 73, Subpart A, Background and Summary.
- (b) 40 CFR 73, Subpart B, Allowance Allocations.
- (c) 40 CFR 73, Subpart C, Allowance Tracking System; amended April 28, 2006, at 71 FR 25327.
- (d) 40 CFR 73, Subpart D, Allowance Transfers.
- (e) 40 CFR 73, Subpart E, Auctions, Direct Sales, and Independent Power Producers Written Guarantee.
- (f) 40 CFR 73, Subpart F, Energy Conservation and Renewable Energy Reserve.
- (g) 40 CFR 73, Subpart G, Small Diesel Refineries.

(18) through (19) No change.

(20) Chapter 40, Code of Federal Regulations, Part 77, Excess Emissions. The provisions of 40 CFR Part 77, Sections 77.1 through 77.6, revised as of July 1, 2005 ~~July 1, 2001~~, are adopted and incorporated by reference.

(21) Chapter 40, Code of Federal Regulations, Part 78, Appeal Procedures for Acid Rain Program. The provisions of 40 CFR Part 78, Sections 78.1 through 78.20, revised as of July 1, 2005; ~~July 1, 2001~~, amended April 28, 2006, at 71 FR 25327, are adopted and incorporated by reference.

(22) through (24) No change.

(25) Chapter 40, Code of Federal Regulations, Part 96, NOx Budget Trading Program for State Implementation Plans. The following subparts of 40 CFR Part 96, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference.

(a) Subpart AA, CAIR NOX Annual Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327.

(b) Subpart BB, CAIR Designated Representative for CAIR NOX Sources; amended April 28, 2006, at 71 FR 25327.

(c) Subpart CC, Permits; amended April 28, 2006, at 71 FR 25327.

(d) Subpart EE, CAIR NOX Allowance Allocations; amended April 28, 2006, at 71 FR 25327.

(e) Subpart FF, CAIR NOX Allowance Tracking System; amended April 28, 2006, at 71 FR 25327.

(f) Subpart GG, CAIR NOX Allowance Transfers.

(g) Subpart HH, Monitoring and Reporting; amended April 28, 2006, at 71 FR 25327.

(h) Subpart AAA, CAIR SO₂ Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327.

(i) Subpart BBB, CAIR Designated Representative for CAIR SO₂ Sources; amended April 28, 2006, at 71 FR 25327.

(j) Subpart CCC, Permits; amended April 28, 2006, at 71 FR 25327.

(k) Subpart FFF, CAIR SO₂ Allowance Tracking System; amended April 28, 2006, at 71 FR 25327.

(l) Subpart GGG, CAIR SO₂ Allowance Transfers; amended April 28, 2006, at 71 FR 25327.

(m) Subpart HHH, Monitoring and Reporting; amended April 28, 2006, at 71 FR 25327.

(n) Subpart AAAA, CAIR NO_x Ozone Season Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327.

(o) Subpart BBBB, CAIR Designated Representative for CAIR NO_x Ozone Season Sources; amended April 28, 2006, at 71 FR 25327.

(p) Subpart CCCC, Permits; amended April 28, 2006, at 71 FR 25327; amended April 28, 2006, at 71 FR 25327.

(q) Subpart EEEE, CAIR NO_x Ozone Season Allowance Allocations; amended April 28, 2006, at 71 FR 25327.

(r) Subpart FFFF, CAIR NO_x Ozone Season Allowance Tracking System; amended April 28, 2006, at 71 FR 25327.

(s) Subpart GGGG, CAIR NO_x Ozone Season Allowance Transfers.

(t) Subpart HHHH, Monitoring and Reporting; amended April 28, 2006, at 71 FR 25327.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History--New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, _____.

62-210.200 Definitions. The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (23) No change.

(24) "Alternate Designated Representative" –

(a) For the purposes of the Acid Rain Program, alternate designated representative shall mean "alternate designated representative" as described in 40 CFR 72.22, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(b) For the purposes of the CAIR Program, alternate designated representative shall mean "alternate CAIR designated representative" as defined in 40 CFR 96.102, 96.202, or 96.302, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(24) through (40) renumbered as (25) through (41) No change.

(42) "Biomass" – Vegetative matter and untreated wood.

(41) through (48) renumbered as (43) through (50) No change.

(51) "CAIR" – Abbreviation for federal Clean Air Interstate Rule.

(52) "CAIR NOx Allowance" - A limited authorization issued by the Department pursuant to Rule 62-296.470, F.A.C., to emit one ton of nitrogen oxides during a control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR NOx Annual Trading Program.

(53) "CAIR NOx Annual Trading Program" – The program implemented at subsection 62-296.470(3), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR NOx units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(54) "CAIR NOx Ozone Season Allowance" - A limited authorization issued by the Department pursuant to Rule 62-296.470, F.A.C., to emit one ton of nitrogen oxides during a control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR NOx Ozone Season Trading Program.

(55) "CAIR NOx Ozone Season Trading Program" – The program implemented at subsection 62-296.470(5), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR NOx Ozone Season units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(56) "CAIR NOx Ozone Season Unit" – A unit that is subject to the CAIR NOx Ozone Season Trading Program pursuant to 40 CFR 96.304, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(57) "CAIR NOx Unit" – A unit that is subject to the CAIR NOx Annual Trading Program pursuant to 40 CFR 96.104, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(58) "CAIR Part or CAIR Permit" – That portion of the Title V source permit specifying the CAIR Program requirements applicable to a CAIR source, to each CAIR unit at the source, and to the owners and operators and the CAIR designated representative of the CAIR source and each such CAIR unit.

(59) "CAIR Program" – Any or all of the following:

(a) CAIR NOx Annual Trading Program;

(b) CAIR SO₂ Trading Program; or

(c) CAIR NOx Ozone Season Trading Program

(60) "CAIR SO₂ Allowance" - A limited authorization issued by the Administrator under the Acid Rain Program to emit sulfur dioxide during the control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR SO₂ Trading Program.

(61) "CAIR SO₂ Trading Program" – The program implemented at subsection 62-296.470(4), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR SO₂ units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(62) "CAIR SO₂ Unit" – A unit that is subject to the CAIR SO₂ Trading Program pursuant to 40 CFR 96.204, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(63) "CAIR Source" – A facility that includes one or more CAIR units.

(64) "CAIR Unit" –

(a) A CAIR NOx unit;

(b) A CAIR SO₂ unit; or

(c) A CAIR NO_x Ozone Season unit.

(49) through (71) renumbered as (65) through (87) No change.

~~(88)(72)~~ “Commence Operation” –

(a) No change.

(b) For the purposes of the CAIR Program, commence operation shall mean “commence operation” as defined in 40 CFR 96.102, 96.202, or 96.302, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

~~(c)(b)~~ Otherwise, to set into operation any emissions unit for any purpose.

(73) through (94) renumbered as (89) through (110) No change.

~~(111)(95)~~ “Designated Representative” –

(a) For the purposes of the Acid Rain Program, a responsible natural person authorized, by the owners and operators of an Acid Rain source and of all Acid Rain units at the source, in accordance with 40 C.F.R. Part 72, Subpart B, adopted and incorporated by reference ~~in~~ into Rule 62-204.800, F.A.C., to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program.

(b) For the purposes of the CAIR Program, designated representative shall mean “CAIR designated representative” as defined in 40 CFR 96.102, 96.202, or 96.302, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(96) through (296) renumbered as (112) through (312) No change.

Specific Authority 403.061, 403.8055, FS. Law Implemented 403.031, 403.061, 403.087, 403.8055, FS. History-Formerly 17-2.100; Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, _____.

62-296.470 Implementation of Federal Clean Air Interstate Rule.

(1) Definitions. For purposes of this rule, the terms “CAIR,” “CAIR NOx allowance,” “CAIR NOx Annual Trading Program,” “CAIR NOx Ozone Season allowance,” “CAIR NOx Ozone Season Trading Program,” “CAIR NOx Ozone Season unit,” “CAIR NOx unit,” “CAIR SO₂ allowance,” “CAIR SO₂ Trading Program,” “CAIR source,” and “CAIR unit,” shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 96 cited within this rule are adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for purposes of the verbatim application of the cited subparts of 40 CFR Part 96, as modified by the substitute language set forth in this rule, the definitions contained within 40 CFR Part 96, Subparts AA, AAA, and AAAAA, shall apply, with the understanding that the term “permitting authority” shall mean the Department, the term “State” shall mean the State of Florida, the phrase “permitting authority’s title V operating permits regulations” shall mean Chapter 62-213, F.A.C., and the terms “best available control technology (BACT)” and “biomass” shall have the meanings given at Rule 62-210.200, F.A.C.

(2) Orders.

(a) Prior to submitting any CAIR NOx allowance allocations to the Administrator pursuant to 40 CFR 96.141(a), (b), or (c), or 40 CFR 96.143, the Department shall issue an administrative order pursuant to Chapter 120, F.S., to all CAIR NOx sources giving notice and opportunity for hearing with regard to the amount of CAIR NOx allowances the Department intends to submit to the Administrator for each CAIR NOx unit.

(b) Prior to submitting any CAIR NOx Ozone Season allowance allocations to the Administrator pursuant to 40 CFR 96.341(a), (b), or (c), the Department shall issue an administrative order to all CAIR NOx sources giving notice and opportunity for hearing with regard to the amount of CAIR NOx Ozone Season allowances the Department intends to submit to the Administrator for each CAIR NOx Ozone Season unit.

(3) CAIR NOx Annual Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart II, CAIR NOx Opt-In Units, shall not apply.

(a) Subpart AA, CAIR NOx Annual Trading Program General Provisions.

(b) Subpart BB, CAIR Designated Representative for CAIR NOx Sources.

(c) Subpart CC, Permits.

(d) (Reserved).

(e) Subpart FF, CAIR NO_x Allowance Tracking System.

(f) Subpart GG, CAIR NO_x Allowance Transfers.

(g) Subpart HH, Monitoring and Reporting

(4) CAIR SO₂ Trading Program. All provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart III, CAIR SO₂ Opt-In Units, shall not apply.

(a) Subpart AAA, CAIR SO₂ Trading Program General Provisions.

(b) Subpart BBB, CAIR Designated Representative for CAIR SO₂ Sources.

(c) Subpart CCC, Permits.

(d) Subpart FFF, CAIR SO₂ Allowance Tracking System.

(e) Subpart GGG, CAIR SO₂ Allowance Transfers.

(f) Subpart HHH, Monitoring and Reporting

(5) CAIR NO_x Ozone Season Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart IIII, CAIR NO_x Ozone Season Opt-In Units, shall not apply.

(a) Subpart AAAA, CAIR NO_x Ozone Season Trading Program General Provisions.

(b) Subpart BBBB, CAIR Designated Representative for CAIR NO_x Ozone Season Sources.

(c) Subpart CCCC, Permits.

(d) (Reserved).

(e) Subpart FFFF, CAIR NO_x Ozone Season Allowance Tracking System.

(f) Subpart GGGG, CAIR NO_x Ozone Season Allowance Transfers.

(g) Subpart HHHH, Monitoring and Reporting.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History – New_____.

62-204.800 Federal Regulations Adopted by Reference. All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (8) No change.

(9) Chapter 40, Code of Federal Regulations, Part 60, ~~Subpart C~~, Emission Guidelines and Compliance Times.

(a) through (f) No change.

(g) Reserved.

(h) Coal-Fired Electric Steam Generating Units. 40 CFR 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units, revised as of July 1, 2005, amended June 9, 2006, at 71 FR 33388, is hereby adopted and incorporated by reference, subject to the provisions set forth at Rule 62-296.480, F.A.C.

(10) through (17) No change.

(18) Chapter 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) The following subparts of 40 CFR Part 75, revised as of July 1, 2005 ~~July 1, 2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 75, Subpart A, General; ~~amended June 12, 2002, at 67 FR 40393; amended August 30, 2005, at 70 FR 51266.~~

2. 40 CFR 75, Subpart B, Monitoring Provisions; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503.~~

3. 40 CFR 75, Subpart C, Operation and Maintenance Requirements; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503.~~

4. 40 CFR 75, Subpart D, Missing Data Substitution Procedures; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002; at 67 FR 53503; amended September 9, 2002, at 67 FR 57274.~~

5. 40 CFR 75, Subpart E, Alternative Monitoring Systems; ~~amended June 12, 2002, at 67 FR 40393.~~

6. 40 CFR 75, Subpart F, Recordkeeping Requirements; ~~amended June 12, 2002, at 67 FR 40393; amended September 9, 2002, at 67 FR 57274.~~

7. 40 CFR 75, Subpart G, Reporting Requirements; ~~amended June 12, 2002, at 67 FR 40393.~~

8. 40 CFR 75, Subpart H, NO_x Mass Emissions Provisions; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503; amended September 9, 2002, at 67 FR 57274.~~

9. 40 CFR 75, Subpart I, Hg Mass Emission Provisions; ~~promulgated May 18, 2005, at 70 FR 28605.~~

(b) The following appendices of 40 CFR Part 75, revised as of July 1, 2005 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Specifications and Test Procedures; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503; amended May 18, 2005, at 70 FR 28605.~~

2. Appendix B, Quality Assurance and Quality Control Procedures; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503; amended September 9, 2002, at 67 FR 57274; amended May 18, 2005, at 70 FR 28605.~~

3. Appendix C, Missing Data Estimation Procedures; ~~amended June 12, 2002, at 67 FR 40393.~~

4. Appendix D, Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Units; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503; amended September 9, 2002, at 67 FR 57274.~~

5. Appendix E, Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503.~~

6. Appendix F, Conversion Procedures; ~~amended June 12, 2002, at 67 FR 40393; amended August 16, 2002, at 67 FR 53503; amended May 18, 2005, at 70 FR 28605.~~

7. Appendix G, Determination of CO₂ Emissions; ~~amended June 12, 2002, at 67 FR 40393; amended September 9, 2002, at 67 FR 57274.~~

8. Appendix H, Revised Traceability Protocol No. 1.

9. Appendix I, Optional F-Factor/Fuel Flow Method.

10. Appendix J, Compliance Dates for Revised Recordkeeping Requirements and Missing Data Procedures.

11. Appendix K, Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems; ~~promulgated May 18, 2005, at 70 FR 28605.~~

(19) through (25) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98,

10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 9-4-06, _____.

62-210.200 Definitions. The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (23) No change.

(24) "Alternate Designated Representative" –

(a) through (b) No change.

(c) For the purposes of the Hg Budget Trading Program, alternate designated representative shall mean "alternate Hg designated representative" as defined in 40 CFR 60.4102, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(25) through (87) No change.

(88) "Commence Operation" –

(a) through (b) No change.

(c) For the purposes of the Hg Budget Trading Program, commence operation shall mean "commence operation" as defined in 40 CFR 60.4102, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(d)(e) Otherwise, to set into operation any emissions unit for any purpose.

(89) through (110) No change.

(111) "Designated Representative" –

(a) through (b) No change.

(c) For the purposes of the Hg Budget Trading Program, designated representative shall mean "Hg designated representative" as defined in 40 CFR 60.4102, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(112) through (149) No change.

(150) "Hg" – The regulated air pollutant mercury.

(151) "Hg Allowance" – A limited authorization issued by the Department to emit one ounce of mercury during a control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the Hg Budget Trading Program.

(152) "Hg Budget Source" – A facility that includes one or more Hg Budget units.

(153) "Hg Budget Trading Program" – The program implemented at Rule 62-296.480, F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires Hg Budget units in Florida to participate in the

multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 60, Subpart HHHH, adopted and incorporated by reference in Rule 62-204.800,

F.A.C.

(154) "Hg Budget Unit" – A unit that is subject to the Hg Budget Trading Program pursuant to 40 CFR 60.4104, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(150) through (312) renumbered (155) through (317) No change.

Specific Authority 403.061, 403.8055, FS. Law Implemented 403.031, 403.061, 403.087, 403.8055, FS. History-Formerly 17-2.100; Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06,_____.

62-296.480 Implementation of Federal Clean Air Mercury Rule.

(1) Definitions. For purposes of this rule, the terms "Hg," "Hg allowance," "Hg Budget Trading Program," "Hg Budget source," and "Hg Budget unit" shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 60 cited within this rule are from 40 CFR Part 60, Subpart HHHH, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for purposes of the verbatim application of the cited provisions of 40 CFR Part 60, Subpart HHHH, as modified by the substitute language set forth in this rule, the definitions contained within such subpart shall apply, with the understanding that the term "permitting authority" shall mean the Department, the term "State" shall mean the State of Florida, and the phrase "permitting authority's title V operating permits regulations" shall mean Chapter 62-213, F.A.C.

(2) Orders. Prior to submitting any Hg allowance allocations to the Administrator pursuant to 40 CFR 60.4141(a), (b), or (c), the Department shall issue an administrative order pursuant to Chapter 120, F.S., to all Hg Budget sources giving notice and opportunity for hearing with regard to the amount of Hg allowances the Department intends to submit to the Administrator for each Hg Budget unit.

(3) Hg Allowance Transfers from the Department.

(a) Pursuant to the provisions of 40 CFR 60.4151(b), the Department shall establish a general account in its name and, for control periods 2012 through 2017, allocate to such account Hg allowances equal to 25 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under 40 CFR 60.4140, rounded to the nearest whole allowance.

(b) If, at the end of any of the control periods 2012 through 2017, a Hg Budget unit equipped with add-on Hg emission controls, a flue gas desulfurization system, or a combination flue gas desulfurization/selective catalytic reduction system reports Hg emissions in excess of the Hg allowances it was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), the Department, pursuant to the provisions of 40 CFR 60.4160 and by the allowance transfer deadline for the control period, shall transfer Hg allowances from its general account to the compliance account of the Hg budget unit in the amount by which the Hg emissions reported by the reporting deadline in accordance with 40 CFR 60.4170 through 60.4176 exceed the Hg allowances the unit was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), provided that:

1. The designated representative of the Hg Budget unit requests such transfer and certifies that during such control period the add-on Hg emission control equipment, flue gas desulfurization system, or combination flue gas

desulfurization/selective catalytic reduction system was operated at all times except for periods of unit or emission control equipment outage necessitated by maintenance operations or emergency conditions; and

2. The sum of the Hg allowances transferred from the Department's general account plus the Hg allowances allocated to the unit in accordance with 40 CFR 60.4142(a) and (b) for the control period shall not exceed the lesser of the Hg emissions reported by the reporting deadline in accordance with 40 CFR 60.4170 through 60.4176 or 1.35 times the amount of Hg allowances allocated to the unit in accordance with 40 CFR 60.4142(a) and (b), rounded to the nearest whole allowance.

(c) On or after May 1 of each control period, the Department shall determine how many Hg allowances of prior control period vintage remain in its general account. The Department shall make these allowances available to new Hg Budget units in accordance with the following procedure:

1. If the Department allocates allowances for the control period pursuant to 40 CFR 60.4142 (c)(4)(iv), the Department shall compute, for each Hg Budget unit that receives Hg allowances pursuant to such paragraph and for all such units in total, the shortfall between the number of Hg allowances requested, as determined pursuant to 40 CFR 60.4142(c)(4)(i), and the number of Hg allowances allocated pursuant to 40 CFR 60.4142(c)(4)(iv).

2. If the number of Hg allowances of prior control period vintage in the Department's general account is greater than the total shortfall of Hg allowances for all applicable Hg Budget units as computed in subparagraph 62-296.480(3)(c)1, F.A.C., the Department, pursuant to the provisions of 40 CFR 60.4160, shall transfer from its general account to the compliance account of each such unit an amount of Hg allowances equal to the unit's shortfall.

3. If the number of Hg allowances of prior control period vintage in the Department's general account is less than the total shortfall of Hg allowances for all applicable Hg Budget units as computed in subparagraph 62-296.480(3)(c)1, F.A.C., the Department, pursuant to the provisions of 40 CFR 60.4160, shall transfer from its general account to the compliance account of each such unit an amount of Hg allowances equal to the number of Hg allowances of prior control period vintage in the Department's general account times the unit's shortfall divided by the total shortfall, rounded to the nearest whole allowance using such rounding convention that results in allocation of the precise number of Hg allowances of prior control period vintage in the general account.

4. The Department shall submit all Hg allowance transfers required by this paragraph to the Administrator between October 31 of each control period and the allowance transfer deadline for the control period.

(d) The Department shall not transfer any Hg Budget allowances from its general account except as provided at paragraphs 62-296.480(3)(b) and (c), F.A.C.

(4) Hg Budget Trading Program. Except as otherwise provided herein, all provisions of the following sections of 40 CFR Part 60, Subpart HHHH, shall apply verbatim.

(a) Hg Budget Trading Program General Provisions, 40 CFR 60.4101 through 60.4108.

(b) Hg Designated Representative for Hg Budget Sources, 40 CFR 60.4110 through 60.4114.

(c) Permits, 40 CFR 60.4120 through 60.4130.

(d) Hg Allowance Allocations, 40 CFR 60.4140 through 60.4142, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. In lieu of the language at 40 CFR 60.4141(a), substitute:

“By October 31, 2006, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with sections 60.4142(a) and (b), for the control periods in 2010, 2011, and 2012.”

2. In lieu of the language at 40 CFR 60.4141(b)(1), substitute:

“By October 31, 2009, and October 31 of each third year thereafter, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with sections 60.4142(a) and (b), for the control periods in the fourth, fifth, and sixth years after the year of the applicable deadline for submission under this paragraph.”

3. In lieu of the language at 40 CFR 60.4142(a)(1), substitute:

“The baseline heat input (in MMBtu) used with respect to Hg allowance allocations under paragraph (b) of this section for each Hg Budget unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit

commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 60.4141(a) or 60.4141(b)(1); with the adjusted control period heat input for each year calculated as the sum of the following:

(A) Any portion of the unit's control period heat input for the year that results from the unit's combustion of lignite, multiplied by 3.0;

(B) Any portion of the unit's control period heat input for the year that results from the unit's combustion of subbituminous coal, multiplied by 1.25; and

(C) Any portion of the unit's control period heat input for the year that is not covered by paragraph (a)(1)(i)(A) or (B) of this section, multiplied by 1.0.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit's total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit's total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 60.4141(b)(1).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii), for any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allowance allocations: zero (0)."

4. In lieu of the language at 40 CFR 60.4142(b)(1), substitute:

"For each control period in 2012 through 2017, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of Hg allowances equal to 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section). For each control period in 2010, 2011, and 2018 and thereafter, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as

determined under paragraph (a) of this section) a total amount of Hg allowances equal to 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section)."

5. In lieu of the language at 40 CFR 60.4142(c), substitute:

"For each control period in 2010 and thereafter, the permitting authority will allocate Hg allowances to Hg Budget units in a State that are not allocated Hg allowances under paragraph (b) of this section because the units do not yet have a baseline heat input under paragraph (a) of this section or because the units have a baseline heat input but all Hg allowances available under paragraph (b) of this section for the control period are already allocated, in accordance with the following procedures:"

6. In lieu of the language at 40 CFR 60.4142(c)(1), substitute:

"The permitting authority will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated Hg allowances equal to 5 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140, adjusted as necessary to ensure that the sum of all allocations made by the permitting authority does not exceed the State trading budget."

7. In lieu of the language at 40 CFR 60.4142(c)(2), substitute:

"The Hg designated representative of such a Hg Budget unit may submit to the permitting authority a request, in a format specified by the permitting authority, to be allocated Hg allowances, starting with the later of the control period in 2010 or the first control period after the control period in which the Hg Budget unit commences commercial operation and until the first control period for which the unit is allocated Hg allowances under paragraph (b) of this section. The Hg allowance allocation request must be submitted on or before May 1 of the first control period for which the Hg allowances are requested and after the date on which the Hg Budget unit commences commercial operation."

8. In lieu of the language at 40 CFR 60.4142(c)(4)(ii), substitute:

"On or after May 1 of the control period, the permitting authority will determine the sum of the Hg allowances requested (as adjusted under paragraph (c)(4)(i) of this section) in all allowance allocation requests accepted under paragraph (c)(4)(j) of this section for the control period."

9. In lieu of the language at 40 CFR 60.4142(c)(4)(iv), substitute:

“If the amount of Hg allowances in the new unit set-aside for the control period is less than the sum under paragraph (c)(4)(ii) of this section, then the permitting authority will allocate to each Hg Budget unit covered by an allowance allocation request accepted under paragraph (c)(4)(i) of this section the amount of the Hg allowances requested (as adjusted under paragraph (c)(4)(i) of this section), multiplied by the amount of Hg allowances in the new unit set-aside for the control period, divided by the sum determined under paragraph (c)(4)(ii) of this section, and rounded to the nearest whole allowance using such rounding convention that results in allocation of the precise number of allowances in the new unit set-aside.”

10. In lieu of the language at 40 CFR 60.4142(d), substitute:

“If, after completion of the procedures under paragraph (c)(4) of this section for a control period, any unallocated Hg allowances remain in the new unit set-aside for the control period, the permitting authority will allocate to each Hg unit that was allocated Hg allowances under paragraph (b) of this section an amount of Hg allowances equal to the total amount of such remaining unallocated Hg allowances, multiplied by the unit’s allocation under paragraph (b) of this section, divided by 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2012 through 2017, or 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2010, 2011, and 2018 and thereafter, and rounded to the nearest whole allowance using such rounding convention that results in allocation of the precise number of allowances remaining in the new unit set-aside.”

(e) Hg Allowance Tracking System, 40 CFR 60.4150 through 60.4157.

(f) Hg Allowance Transfers, 40 CFR 60.4160 through 60.4162.

(g) Hg Monitoring and Reporting, 40 CFR 60.4170 through 60.4176.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History – New _____.

1 **Hg Allowance Allocations**

2 **§ 60.4140 State trading budgets.**

3 The State trading budgets for annual allocations of Hg allowances for the control periods
4 in 2010 through 2017 and in 2018 and thereafter are respectively as follows:

	State trading budget (tons)	
	2010-2017	2018 and thereafter
7 Florida	1.233	0.487

8 **§ 60.4141 Timing requirements for Hg allowance allocations.**

9 (a) By October 31, 2006, the permitting authority will submit to the Administrator the Hg
10 allowance allocations, in a format prescribed by the Administrator and in accordance with
11 sections 60.4142(a) and (b), for the control periods in 2010, 2011, and 2012.

12 (b)(1) By October 31, 2009, and October 31 of each third year thereafter, the permitting
13 authority will submit to the Administrator the Hg allowance allocations, in a format prescribed
14 by the Administrator and in accordance with sections 60.4142(a) and (b), for the control periods
15 in the fourth, fifth, and sixth years after the year of the applicable deadline for submission under
16 this paragraph.

17 (2) If the permitting authority fails to submit to the Administrator the Hg allowance
18 allocations in accordance with paragraph (b)(1) of this section, the Administrator will assume
19 that the allocations of Hg allowances for the applicable control period are the same as for the
20 control period that immediately precedes the applicable control period, except that, if the
21 applicable control period is in 2018, the Administrator will assume that the allocations equal the
22 allocations for the control period in 2017, multiplied by the amount of ounces (i.e., tons
23 multiplied by 32,000 ounces/ton) of Hg emissions in the applicable State trading budget under
24 §60.4140 for 2018 and thereafter and divided by such amount of ounces of Hg emissions for
25 2010 through 2017.

26 (c)(1) By October 31, 2010, and October 31 of each year thereafter, the permitting
27 authority will submit to the Administrator the Hg allowance allocations, in a format prescribed

40 CFR 60.4140-4143 with DEP Substitute Language

Based on Rule 62-296.480, F.A.C., Hearing Draft – 26-May-2006, as Amended by
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Substitute language is represented by underline

1 by the Administrator and in accordance with sections 60.4142(a), (c) and (d), for the control
2 period in the year of the applicable deadline for submission under this paragraph.

3 (2) If the permitting authority fails to submit to the Administrator the Hg allowance
4 allocations in accordance with paragraph (c)(1) of this section, the Administrator will assume
5 that the allocations of Hg allowances for the applicable control period are the same as for the
6 control period that immediately precedes the applicable control period, except that, if the
7 applicable control period is in 2018, the Administrator will assume that the allocations equal the
8 allocations for the control period in 2017, multiplied by the amount of ounces (i.e., tons
9 multiplied by 32,000 ounces/ton) of Hg emissions in the applicable State trading budget under §
10 60.4140 for 2018 and thereafter and divided by such amount of ounces of Hg emissions for 2010
11 through 2017 and except that any Hg Budget unit that would otherwise be allocated Hg
12 allowances under § 60.4142(a) and (b), as well as under § 60.4142(a), (c), and (d), for the
13 applicable control period will be assumed to be allocated no Hg allowances under § 60.4142(a),
14 (c), and (d) for the applicable control period.

15 **§ 60.4142 Hg allowance allocations.**

16 (a)(1) The baseline heat input (in MMBtu) used with respect to Hg allowance allocations
17 under paragraph (b) of this section for each Hg Budget unit will be:

18 (i) For units commencing operation before January 1, 2000: the average of the 3 highest
19 amounts of the unit's adjusted control period heat input for 2000 through 2004; for units
20 commencing operation on or after January 1, 2000, and before January 1, 2007: the average of
21 the 3 highest amounts of the unit's adjusted control period heat input over the first 5 calendar
22 years following the year in which the unit commenced operation, or the average of the 2 highest
23 amounts of the unit's adjusted control period heat input over the first 4 calendar years following
24 the year in which the unit commenced operation, or the maximum adjusted control period heat
25 input over the first 1 to 3 calendar years following the year in which the unit commenced
26 operation, depending on the maximum number (1 to 5) of such calendar years of data available
27 to the permitting authority for determination of allowance allocations pursuant to sections

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1 60.4141(a) or 60.4141(b)(1); with the adjusted control period heat input for each year calculated
2 as the sum of the following:

3 (A) Any portion of the unit's control period heat input for the year that results from the
4 unit's combustion of lignite, multiplied by 3.0;

5 (B) Any portion of the unit's control period heat input for the year that results from the
6 unit's combustion of subbituminous coal, multiplied by 1.25; and

7 (C) Any portion of the unit's control period heat input for the year that is not covered by
8 paragraph (a)(1)(i)(A) or (B) of this section, multiplied by 1.0.

9 (ii) For units commencing operation on or after January 1, 2007: the average of the 3
10 highest amounts of the unit's total converted control period heat input over the first 5 calendar
11 years following the year in which the unit commenced operation, or the average of the 2 highest
12 amounts of the unit's total converted control period heat input over the first 4 calendar years
13 following the year in which the unit commenced operation, or the maximum total converted
14 control period heat input over the first 1 to 3 calendar years following the year in which the unit
15 commenced operation, depending on the maximum number (1 to 5) of such calendar years of
16 data available to the permitting authority for determination of allowance allocations pursuant to
17 section 60.4141(b)(1).

18 (iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, for any unit that is
19 permanently retired and has not operated during the most recent five-year period for which the
20 permitting authority has data upon which to base allowance allocations: zero (0).

21 (2)(i) A unit's control period heat input for a calendar year under paragraphs (a)(1)(i) of
22 this section, and a unit's total ounces of Hg emissions during a calendar year under paragraph
23 (c)(3) of this section, will be determined in accordance with part 75 of this chapter, to the extent
24 the unit was otherwise subject to the requirements of part 75 of this chapter for the year, or will
25 be based on the best available data reported to the permitting authority for the unit, to the extent
26 the unit was not otherwise subject to the requirements of part 75 of this chapter for the year. The
27 unit's types and amounts of fuel combusted, under paragraph (a)(1)(i) of this section, will be
28 based on the best available data reported to the permitting authority for the unit.

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1 (ii) A unit's converted control period heat input for a calendar year specified under
2 paragraph (a)(1)(ii) of this section equals:

3 (A) Except as provided in paragraph (a)(2)(ii)(B) or (C) of this section, the control period
4 gross electrical output of the generator or generators served by the unit multiplied by 7,900
5 Btu/kWh and divided by 1,000,000 Btu/MMBtu, provided that if a generator is served by 2 or
6 more units, then the gross electrical output of the generator will be attributed to each unit in
7 proportion to the unit's share of the total control period heat input of such units for the year;

8 (B) For a unit that is a boiler and has equipment used to produce electricity and useful
9 thermal energy for industrial, commercial, heating, or cooling purposes through the sequential
10 use of energy, the total heat energy (in Btu) of the steam produced by the boiler during the
11 control period, divided by 0.8 and by 1,000,000 Btu/MMBtu; or

12 (C) For a unit that is a combustion turbine and has equipment used to produce electricity
13 and useful thermal energy for industrial, commercial, heating, or cooling purposes through the
14 sequential use of energy, the control period gross electrical output of the enclosed device
15 comprising the compressor, combustor, and turbine multiplied by 3,413 Btu/kWh, plus the total
16 heat energy (in Btu) of the steam produced by any associated heat recovery steam generator
17 during the control period divided by 0.8, and with the sum divided by 1,000,000 Btu/MMBtu.

18 (b)(1) For each control period in 2012 through 2017, the permitting authority will allocate
19 to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph
20 (a) of this section) a total amount of Hg allowances equal to 70 percent of the amount of ounces
21 (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under
22 section 60.4140 (except as provided in paragraph (d) of this section). For each control period in
23 2010, 2011, and 2018 and thereafter, the permitting authority will allocate to all Hg Budget units
24 in the State that have a baseline heat input (as determined under paragraph (a) of this section) a
25 total amount of Hg allowances equal to 95 percent of the amount of ounces (i.e., tons multiplied
26 by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except
27 as provided in paragraph (d) of this section).

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1 (2) The permitting authority will allocate Hg allowances to each Hg Budget unit under
2 paragraph (b)(1) of this section in an amount determined by multiplying the total amount of Hg
3 allowances allocated under paragraph (b)(1) of this section by the ratio of the baseline heat input
4 of such Hg Budget unit to the total amount of baseline heat input of all such Hg Budget units in
5 the State and rounding to the nearest whole allowance as appropriate.

6 (c) For each control period in 2010 and thereafter, the permitting authority will allocate
7 Hg allowances to Hg Budget units in a State that are not allocated Hg allowances under
8 paragraph (b) of this section because the units do not yet have a baseline heat input under
9 paragraph (a) of this section or because the units have a baseline heat input but all Hg allowances
10 available under paragraph (b) of this section for the control period are already allocated, in
11 accordance with the following procedures:

12 (1) The permitting authority will establish a separate new unit set-aside for each control
13 period. Each new unit set-aside will be allocated Hg allowances equal to 5 percent of the amount
14 of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget
15 under section 60.4140, adjusted as necessary to ensure that the sum of all allocations made by the
16 permitting authority does not exceed the State trading budget.

17 (2) The Hg designated representative of such a Hg Budget unit may submit to the
18 permitting authority a request, in a format specified by the permitting authority, to be allocated
19 Hg allowances, starting with the later of the control period in 2010 or the first control period
20 after the control period in which the Hg Budget unit commences commercial operation and until
21 the first control period for which the unit is allocated Hg allowances under paragraph (b) of this
22 section. The Hg allowance allocation request must be submitted on or before May 1 of the first
23 control period for which the Hg allowances are requested and after the date on which the Hg
24 Budget unit commences commercial operation.

25 (3) In a Hg allowance allocation request under paragraph (c)(2) of this section, the Hg
26 designated representative may request for a control period Hg allowances in an amount not
27 exceeding the Hg Budget unit's total ounces of Hg emissions during the control period
28 immediately before such control period.

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1 (4) The permitting authority will review each Hg allowance allocation request under
2 paragraph (c)(2) of this section and will allocate Hg allowances for each control period pursuant
3 to such request as follows:

4 (i) The permitting authority will accept an allowance allocation request only if the request
5 meets, or is adjusted by the permitting authority as necessary to meet, the requirements of
6 paragraphs (c)(2) and (3) of this section.

7 (ii) On or after May 1 of the control period, the permitting authority will determine the
8 sum of the Hg allowances requested (as adjusted under paragraph (c)(4)(i) of this section) in all
9 allowance allocation requests accepted under paragraph (c)(4)(i) of this section for the control
10 period.

11 (iii) If the amount of Hg allowances in the new unit set-aside for the control period is
12 greater than or equal to the sum under paragraph (c)(4)(ii) of this section, then the permitting
13 authority will allocate the amount of Hg allowances requested (as adjusted under paragraph
14 (c)(4)(i) of this section) to each Hg Budget unit covered by an allowance allocation request
15 accepted under paragraph (c)(4)(i) of this section.

16 (iv) If the amount of Hg allowances in the new unit set-aside for the control period is less
17 than the sum under paragraph (c)(4)(ii) of this section, then the permitting authority will allocate
18 to each Hg Budget unit covered by an allowance allocation request accepted under paragraph
19 (c)(4)(i) of this section the amount of the Hg allowances requested (as adjusted under paragraph
20 (c)(4)(i) of this section), multiplied by the amount of Hg allowances in the new unit set-aside for
21 the control period, divided by the sum determined under paragraph (c)(4)(ii) of this section, and
22 rounded to the nearest whole allowance using such rounding convention that results in allocation
23 of the precise number of allowances in the set-aside.

24 (v) The permitting authority will notify each Hg designated representative that submitted
25 an allowance allocation request of the amount of Hg allowances (if any) allocated for the control
26 period to the Hg Budget unit covered by the request.

27 (d) If, after completion of the procedures under paragraph (c)(4) of this section for a
28 control period, any unallocated Hg allowances remain in the new unit set-aside for the control

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1 period, the permitting authority will allocate to each Hg unit that was allocated Hg allowances
2 under paragraph (b) of this section an amount of Hg allowances equal to the total amount of such
3 remaining unallocated Hg allowances, multiplied by the unit's allocation under paragraph (b) of
4 this section, divided by 70 percent of the amount of ounces (i.e., tons multiplied by 32,000
5 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control
6 periods 2012 through 2017, or 95 percent of the amount of ounces (i.e., tons multiplied by
7 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control
8 periods 2010, 2011, and 2018 and thereafter, and rounded to the nearest whole allowance using
9 such rounding convention that results in allocation of the precise number of allowances
10 remaining in the set-aside.

40 CFR 60.4140-4143 with DEP Substitute Language

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Environmental Regulation Commission – 29-June-2006
Substitute language is represented by underline

2.2.1 2005

Ms L. Hodge



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit by:

Gulf Power
James O. Vick
Director, Environmental Affairs
One Energy Place
Pensacola, Florida 32520

PA File No. FL0002275-005-IW1S
Escambia County
Crist Electric Generating Plant
NPDES Permit No. FL0002275

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FL0002275, issued under Section 403.0885, Florida Statutes, and DEP Rule 62-620, Florida Administrative Code, authorizing wastewater discharge from the GPC Crist Electric Generating Plant, Pensacola, Escambia County to the Escambia River, a Class III fresh water. The facility consists of seven steam electric fossil fuel generating units. The permit is being issued with Administrative Order AO015TL which provides an interim limit for arsenic in groundwater while the facility evaluates means for compliance with the current standard for arsenic in groundwater.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68, Florida Statutes, by the filing of a Notice of Appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi A. Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8335

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated deputy clerk, receipt of which is hereby acknowledged.

S. Shields *11-17-05*
[Clerk] [Date]

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on *11-17-05* to the listed persons.

Shirley Shields
Name

November 17th, 2005
Date

Copies furnished to:

Roosevelt Childress, EPA
Chairman, Board of Escambia County Commission
Bill Armstrong, P.E., DEP NWD
Betsy Hewitt, DEP Tallahassee (w/o enclosure)

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Gulf Power Corporation
One Energy Place
Pensacola, Florida 32520

Administrative Order No. AO015TL

Crist Power Plant
DEP Permit No: FL0002275

ADMINISTRATIVE ORDER

I. STATUTORY AUTHORITY

The Department of Environmental Protection (Department) issues this Administrative Order under the authority of Section 403.088(2)(f), Florida Statutes (F.S.). The Secretary of the Department has delegated this authority to the Director of the Division of Water Resources Management, who issues this order and makes the following findings of fact.

II. FINDINGS OF FACT

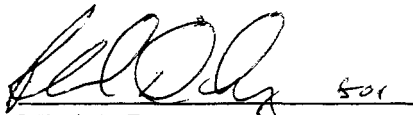
1. Gulf Power Corporation (GPC) (Permittee) is a "person" as defined under Section 403.031(5), F.S.
2. The Permittee owns and operates a steam electric power generating facility known as the GPC Crist Power Plant, located at the End of Pate Road, off Ten Mile Road, Pensacola, Escambia County, Florida which discharges industrial wastewater into waters of the state as defined in Section 403.031(13), F.S.
3. The Permittee has filed a timely application for a permit renewal, permit number FL0002275 (Permit), under Section 403.088(2), F.S.
4. Arsenic is occasionally detected in onsite groundwater monitoring wells at concentrations less than 50 micrograms/liter (ug/l), but greater than 10 ug/l. Thus, the facility meets the groundwater arsenic standard for Class G-II groundwater pursuant to Rule 62-520.420, Florida Administrative Code (F.A.C.), in effect through December 31, 2004 (50 ug/l), but may not always meet the G-II arsenic standard in effect from January 1, 2005 onward (10 ug/l).
5. Sections 403.088(2)(e) and (f), F.S., allow the Department to issue a permit for the discharge of wastewater which may not meet all applicable rule requirements, into waters of the state, if the permit is accompanied by an order establishing a schedule for achieving compliance with all permit conditions if criteria specified in the order are met.
6. The Department finds that in this case:
 - (1) The applicant needs permission to exceed the 10 ppb water quality standard (pollute) in ground waters within the state by exceeding the Class G-II ground water standard for arsenic that became

Administrative Order No. AO015TL
GPC Crist Power Plant
Permit FL0002275

the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DONE AND ORDERED on this 15 day of November 2005 in Tallahassee, Florida.

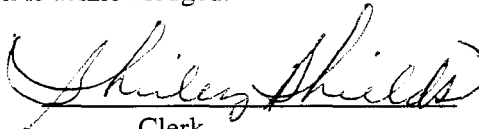
**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Mimi A. Drew
Director
Division Of Water Resource Management

CLERK STAMP

FILED AND ACKNOWLEDGED on this date, under Section 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is acknowledged.



Clerk

11-16-05

Date

Copies furnished to Permit Distribution List

effective January 1, 2005, for a period of time necessary to evaluate the feasibility of engineering and hydrogeologic means for meeting the new standard, including but not limited to the planning, construction, installation or operation of an approved pollution abatement or mitigation facility, or, as appropriate, to apply for relief from compliance with Rule 62-520.420 F.A.C., with regard to the concentration of arsenic in discharges to groundwater.

- (2) There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into the waters of the state;
- (3) The granting of an operation permit will be in the public interest; and
- (4) The discharge will not be unreasonably destructive to the quality of the receiving groundwater.

III. ORDER

Based on the foregoing findings of fact,

IT IS ORDERED,

7. The Permittee shall conduct an engineering and/or geological evaluation, as appropriate, to identify possible sources of arsenic pollution (if any) from the facility and its activities, and to evaluate potential ways to eliminate or control the release of arsenic from such sources to waters of the state. The results of the evaluation shall be submitted in a report (Report) to the Department for review and approval no later than 24 months following the effective date of this order. The Report shall include recommendations and a schedule for implementation of arsenic elimination or control strategies. However, if the Permittee determines that arsenic elimination and control strategies are not technically or economically feasible, the Report may recommend that the Permittee petition the Department for appropriate relief from the standard for arsenic in Class G-II ground water, such as through an application for an exemption from water quality standards, variance or other relief mechanism. Such an application may be filed with the Report. The Department will provide either a written request for additional information or approve the Report within 60 days following receipt. In the event the Department deems the Report to be incomplete or inadequate, Respondent shall, within 60 days of written request from the Department, respond to the Department regarding the information requested and address all concerns raised in the Department's written request. Within 60 days following receipt of the additional information, the Department shall either approve the Report in writing, or issue a notice that outlines actions for implementation by the Respondent, subject to Sections 120.569 and 120.57, F.S., if the re-submittal of the Report is still deemed to be incomplete or inadequate.
8. Compliance with the Class G-II groundwater standards shall be required as defined in condition III.4 of the Permit, except for arsenic, which shall be subject to the following interim limit. Until such time as the Permittee implements arsenic control measures or appropriate relief is approved pursuant to paragraph III.7 of this Order, the concentration of arsenic in groundwater compliance monitoring wells identified in condition III.4 of the Permit shall not exceed 50 ug/l. Subsequently, unless otherwise provided in a Department Order granting a relief mechanism, the Permittee shall comply with the G-II ground water standard for arsenic of 10 ug/l pursuant to Rule 62-520.420, F.A.C., in effect from January 1, 2005 onward.

9. Subject to paragraphs 8. and 16. of this order, the Permittee shall be required to comply with the G-II ground water standard for arsenic of 10 ug/l pursuant to Rule 62-520.420, F.A.C., or other applicable relief mechanisms pursuant to this order, no later than 48 months following the effective date of this order.
10. The Permittee shall maintain and operate its facilities in compliance with all other conditions of the Permit.
11. This order may be modified through revisions as set forth in Chapter 62-620, F.A.C.
12. Unless otherwise specified herein, reports or other information required by this order shall be sent to: Industrial Wastewater Section, ATTN: Mail Station 3545, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, with a copy sent to: Industrial Wastewater Section, Department of Environmental Protection, Northwest District, 160 Government Street, Pensacola, Florida 32501-5794.
13. This order does not operate as a permit under Section 403.088, F.S. This order shall be incorporated by reference into Permit FL0002275, which shall require compliance by the Permittee with the requirements of this order.
14. Failure to comply with the requirements of this order shall constitute a violation of this order and Permit FL0002275, and may subject the Permittee to penalties as provided in Section 403.161, F.S.
15. This order is final when filed with the clerk of the Department, and the Permittee then shall implement this order unless a petition for an administrative proceeding (hearing) is filed in accordance with the notice set forth in the following Section.
16. If any event occurs that causes delay or the reasonable likelihood of delay in complying with the requirements of this order, the Permittee shall have the burden of demonstrating that the delay was or will be caused by circumstances beyond the reasonable control of the Permittee and could not have been or cannot be overcome by the Permittee's due diligence. Economic circumstances shall not be considered circumstances beyond the reasonable control of the Permittee, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Permittee, unless the cause of the contractor's late performance was also beyond the contractor's control. Delays in final agency action on an application for a relief mechanism are eligible for consideration under this paragraph, provided that none of those delays were a result of late submission of information by the Permittee. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, the Permittee shall notify the Department orally at: the Department's Northwest District office, (850) 595-8300 within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing at: Northwest District office, 160 Government Street, Pensacola, Florida 32501-5794 of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Facility intends to implement these measures. If the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Permittee, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances.

IV. NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, F.S., is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Gulf Power Company - Crist Electric
Generating Plant
One Energy Place
Pensacola, FL 32399-2400

PERMIT NUMBER:

FL0002275 (Major)

PA FILE NUMBER:

FL0002275-005-IW1S

ISSUANCE DATE:

November 14, 2005

EXPIRATION DATE:

November 13, 2010

RESPONSIBLE AUTHORITY:

Mr. James O. Vick, Director
Environmental Affairs

FACILITY:

Crist Electric Generating Plant
End of Pate Road, off Ten Mile Road
Pensacola, FL 32414
Escambia County

Latitude: 30° 33' 39" N Longitude: 87° 13' 10" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). This permit is accompanied by an Administrative Order pursuant to paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Administrative Order AO015TL is a specific requirement of this permit. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

Units 1 through 5 use once-through cooling water for condenser cooling. A once-through helper cooling tower located at the discharge canal may be operated during the summer months (based on discharge temperature) to lower the temperature of the combined once-through cooling water discharge. Units 6 and 7 use closed-loop cooling tower systems that discharge cooling tower blowdown to the ash pond.

This permit authorizes discharges from Outfall D-010 (combined plant discharge, formerly Outfall 001); Outfall I-1C0 (ash pond discharge, formerly Outfall 002); Outfall I-150 (metal cleaning wastewater, formerly Outfall 003); and Outfall I-170 (cooling tower blowdown, formerly Outfall 004). The combined plant discharge (Outfall D-010) discharges via the discharge canal to the Escambia River, a Class III fresh water. This permit also authorizes the discharge of other wastewater streams as described above to the ash pond.

WASTEWATER TREATMENT:

All treated and untreated wastewater (except once-through cooling water from Units 1 through 5 and treated domestic wastewater) is discharged to the ash pond. The ash pond discharges via Outfall I-1C0 (formerly Outfall 002) to the facility's discharge canal. Wastewater streams that discharge to the ash pond include: ash sluice water, overflow from the bottom ash dewatering bins, neutralized demineralizer regeneration wastewater, cooling tower

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blowdown, boiler blowdown, floor drainage, auxiliary equipment cooling water and seal water, coal pile runoff, yard sump discharge, and treated metal cleaning wastewater. The wastewater streams above that have the potential to contain oil are first routed through the oil skimmer pond prior to discharge to the ash pond.

This permit authorizes discharges from Outfall D-010 (combined plant discharge, formerly Outfall 001); Outfall I-1C0 (ash pond discharge, formerly Outfall 002); Outfall I-150 (metal cleaning wastewater, formerly Outfall 003); and Outfall I-170 (cooling tower blowdown, formerly Outfall 004). The combined plant discharge (Outfall D-010) discharges via the discharge canal to the Escambia River, a Class III fresh water. This permit also authorizes the discharge of other wastewater streams as described above to the ash pond.

EFFLUENT DISPOSAL:

Surface Water Discharge:

An existing 274 MGD maximum discharge to the Escambia River (Class III Fresh waters), **D-010**. The **Once-Through Non-Contact Cooling Water** outfall line is located approximately at latitude 30° 33' 39" N, longitude 87° 13' 10" W.

Internal Outfalls:

This permit authorizes discharge from an existing internal outfall **I-150** to the Ash Pond, from an existing internal outfall **I-170** to the Ash Pond, and from an existing internal outfall **I-1C0** to the discharge canal.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 30 of this permit.

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Once-Through Non-Contact Cooling Water**, and **Ash Pond Overflow** from Outfall D-010. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	--	--	Daily	Calculated	INT-1
Temperature (F), Water (DEG.F)	94.0 See Cond. I.A.5.	--	--	Continuous	Calculated	EFF-1
pH (SU)	--	8.5	6.0	Weekly	Grab	EFF-1
Chlorine, Total Residual (MG/L)	--	0.01	--	Weekly	Multiple Grabs See Cond. I.A.6	EFF-1
Hardness, Total (as CaCO ₃) (MG/L)	--	Report See Cond. I.A.3	--	Quarterly	24-hour time proportional composite	EFF-1
Oil and Grease (MG/L)	--	5.0	--	Quarterly	Grab	EFF-1
Arsenic, Total Recoverable (UG/L)	--	50.0	--	Quarterly	24-hour time proportional composite	EFF-1
Cadmium, Total Recoverable (UG/L)	--	See Cond. I.A.3	--	Quarterly	24-hour time proportional composite	EFF-1
Chromium, Hexavalent Total Recoverable (UG/L)	--	11.0	--	Quarterly	24-hour time proportional composite	EFF-1
Copper, Total Recoverable (UG/L)	--	See Cond. I.A.3	--	Quarterly	24-hour time proportional composite	EFF-1
Iron, Total Recoverable (MG/L)	--	1.0	--	Quarterly	24-hour time proportional composite	EFF-1
Lead, Total Recoverable (UG/L)	--	See Cond. I.A.3	--	Quarterly	24-hour time proportional composite	EFF-1
Mercury, Total Recoverable (UG/L)	--	0.012	--	Quarterly	Grab	EFF-1
Nickel, Total Recoverable (UG/L)	--	See Cond. I.A.3	--	Annually	24-hour time proportional composite	EFF-1

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Selenium, Total Recoverable (UG/L)	--	5.0	--	Annually	24-hour time proportional composite	EFF-1
Zinc, Total Recoverable (UG/L)	--	See Cond. I.A.3	--	Quarterly	24-hour time proportional composite	EFF-1
Whole Effluent Toxicity	See Permit Condition I.A.4					EFF-1
Alpha, Gross Particle Activity (PCI/L)	--	15	--	Quarterly	24-hour time proportional composite	EFF-1
Radium 226 + Radium 228, Total (PCI/L)	--	5.0	--	Quarterly	24-hour time proportional composite	EFF-1

2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
INT-1	Condenser inlets.
EFF-1	Immediately upstream of the underflow at Thompson's bayou.

3. The limit for Total Recoverable Cadmium, Copper, Lead, Nickel, and Zinc shall be calculated using the following equation:

$$Cd < e(0.7852[\ln H]-3.49)$$

$$Cu < e(0.8545[\ln H]-1.702)$$

$$Pb < e(1.273[\ln H]-4.705)$$

$$Ni < e(0.846[\ln H]+0.0584)$$

$$Zn < e(0.8473[\ln H]+0.884)$$

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO3. This equation can only be applied for hardness in the range of 25 MG/L to 400 MG/L as CaCO3. If the total hardness is below 25 MG/L, the permittee shall use 25 MG/L for total hardness in the equation and if the hardness is above 400 MG/L, the permittee shall use 400 MG/L for total hardness in the equation.

The measured effluent value shall be recorded on the DMR in the parameter row for Total Recoverable Cadmium, Copper, Lead, Nickel, and Zinc (effluent). The calculated effluent limit shall be recorded on the DMR in the parameter row for Total Recoverable Cadmium, Copper, Lead, Nickel, and Zinc (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated effluent limit. The compliance value shall be recorded on the DMR in the parameter row for Total Recoverable Cadmium, Copper, Lead, Nickel, and Zinc (effluent minus calculated

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limit). If the compliance value is greater than 0.00, the permittee will be considered in violation of the limitation.

4. The permittee shall conduct toxicity testing once every five years prior to permit renewal for submittal with the renewal application as described below during the months of July or August to evaluate whole effluent toxicity of the discharge.

The permittee shall comply with the following whole effluent toxicity requirements to evaluate acute whole effluent toxicity of the discharge from outfall D-010.

1. Effluent Limitation

- a. Mortality of less than or equal to 20% in the 100% effluent concentration in any "routine" test shall constitute compliance with these permit conditions Rule 62-302.200(1), Rule 62-302.500(1)(a)4 and Rule 62-4.244(3)(a), F.A.C.
- b. Mortality of less than or equal to 20% in a 100% effluent in any "routine" test or in any additional follow-up test shall constitute compliance with Rule 62-302.200(1), Rule 62-302.500(1)(a)4 and Rule 62-4.244(3)(a), F.A.C.
- c. Mortality of greater than 50% in a 100% effluent in any "routine" test or an LC50 of less than 100% effluent in any additional follow-up test shall constitute a violation of these permit conditions, and Rule 62-302.200(1), Rule 62-302.500(1)(a)4 and Rule 62-4.244(3)(a), F.A.C.

2. Test Requirements

- a. Routine Tests: All routine tests shall be conducted using a control (0% effluent) and one test concentration of 100% final effluent.

b. Additional Follow-up Tests, if required:

- (1) If a routine test does not meet the acute toxicity limitation in 1.a above, the permittee shall conduct three additional follow-up tests on each species that failed the test.
- (2) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5%, and 6.25%. The dilution series may be modified in the second and third tests to more accurately bracket the toxicity, such that at least two dilutions above (not to exceed 100% effluent) and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-012.
- (3) The first test shall be initiated within two weeks of the end of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of three valid additional follow-up tests are completed.

- c. (1) When the specific conductance of the discharge is equal to or less than 1,500 micro-mhos/cm (1 part per thousand (ppt) salinity), the permittee shall conduct 96-hour acute static renewal toxicity tests using the daphnid, *Ceriodaphnia dubia*, and the bannerfin shiner, *Cyprinella leedsii*. The control water and dilution water used will be moderately hard water as described in EPA-821-R-02-012, Table 7, or the most current edition.

- (2) When the specific conductivity of the discharge is greater than 1,500 micro-mhos/cm (1 ppt salinity), the permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid shrimp *Americanysis (Mysidopsis) bahia* and the inland silverside, *Menidia beryllina*.

When the salinity of the effluent is between 1 and 7 ppt, the following salinity adjustment shall be used in the test of the 100% effluent. For the *Mysidopsis bahia* bioassays, the effluent and the control (0% effluent) shall

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be adjusted to a salinity of 7 ± 1 ppt using artificial sea salts. No salinity adjustment shall be done for the Menidia beryllina bioassay test of the 100% effluent. The salinity of the control shall match the salinity of the effluent.

When the salinity of the effluent is greater than 7 ppt, no salinity adjustment shall be made for either species and the test and control shall be run at the effluent salinity.

(d) All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th Edition, EPA-821-R-02-012. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the method is revised, the permittee shall conduct acute toxicity testing in accordance with the revised method.

3. Sampling requirements

a. Routine tests will be conducted on four single grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period and used in four separate tests in order to catch any peaks of toxicity and account for daily variations in effluent quality. If the duration of the discharge is less than 24 hours, the duration of discharge shall be documented on the chain of custody.

b. For additional follow-up tests, the first test shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period. Each sample shall be run as a separate test. The second and third additional follow-up tests shall be run on a single grab sample collected on the day and time when the greatest toxicity was identified in the first additional follow-up test. Results for each additional test shall include the determination of LC50 values with 95% confidence limits.

4. Quality Assurance Requirements

a. A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or started no more than 30 days before the date of each routine or additional follow-up test conducted. The SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.

b. If the mortality in the control (0% effluent) exceeds 10% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated.

c. If during any routine separate grab sample test, 100% mortality occurs prior to the end of the test, and control mortality is less than 10% at that time, that test (including the control) shall be terminated with the conclusion that the test fails and constitutes non-compliance.

d. Additional follow-up tests shall be evaluated for acceptability based on the concentration-response relationship as required by EPA-821-R-02-012, Section 12.2.6.2, and included with the bioassay reports.

5. Reporting Requirements

a. Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:

(1) Routine Test Results: If 50% or less mortality occurs in all four separate grab sample tests for the test species, ">100%" should be entered on the DMR for that test species. If greater than 50% mortality occurs in any of the four separate grab sample tests for the test species, "<100%" should be entered.

(2) Additional Follow-up Test Results: Report the calculated LC50 value for that test species and the 95% confidence limits.

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b. A bioassay laboratory report for the routine test shall be prepared according to EPA-821-R-02-012, Section 12, Report Preparation and Test Review and mailed to the Department at the address below within 30 days of the completion of the test.

c. For additional follow-up tests a single bioassay laboratory report shall be prepared according to EPA-821-R-02-012, Section 12 and mailed within 45 days of completion of the third valid additional follow-up test. If any additional test or two consecutive routine tests, do not meet the effluent limitation specified in 1.a. above, the permittee shall contact the Department within 30 days of the laboratory report submittal to discuss the corrective actions necessary to remedy the observed acute toxicity.

d. All bioassay reports shall be sent to:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

5. Pursuant to I.A.1 the Daily Maximum Average temperature shall not exceed 94°F over a 24 hour period as measured at EFF-1. However, the Units 1-5 cooling tower shall be placed in full operation (defined as both booster pumps and all available fans, but not less than seven) as expeditiously as possible (but, in no case, no later than 45 minutes) after the discharge temperature exceeds 97.0°F as a 60 minute rolling average as measured at EFF-1(updated not less than every 15 minutes). The permittee shall maintain and operate the facilities so as to achieve compliance; however, failure to achieve compliance with this requirement does not constitute violation of this permit if due to mechanical malfunctions of pumps, fans, and/or other cooling tower components beyond the normal control of the permittee. Failure to have two booster pumps and all available fans (but not less than seven) when required shall be reported to the Department's Northwest District Office via telephone not later than the next business day and, in writing, within five business days of the occurrence. The reports shall provide all relevant information including, but not necessarily limited to, causes, temperatures, and period(s) of exceedance(s), plant loadings, unit(s) in operation, and remedial action taken.
6. Multiple grabs for TRC shall consist of grab samples collected at approximately the beginning of the period of expected chlorine discharge and once every 15 minutes thereafter until the end of the period of chlorine discharge.
7. The actual limits for Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Mercury, Nickel, Selenium, Zinc, Gross Alpha, and Radium shall be the water quality standard set forth in FAC 62-302.530 for Class III fresh waters (as provided here or as calculated in conditions I.A.3), or the concentration of the intake cooling water, whichever is greater. If the Outfall D-010 composite sample exceeds the intake concentration (and the intake concentration exceeds the water quality standard), a minimum of five (5) additional subsamples shall be measured from the original intake and outfall composites and a "student's t-test" shall be run on these additional subsamples comparing discharge concentrations with the intake concentrations; unless the discharge concentration exceeds the intake concentration at the 95% confidence level, the facility shall be in compliance with the limitation.
8. The permittee may sample and analyze for total Chromium in lieu of Chromium VI, however if the total chromium result exceeds 11.0 ug/l then the permittee shall resample and Chromium VI analysis shall be performed and reported.

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9. The time of chlorination shall not exceed 2 hours per day for the combined Units 1-3 and 2 hours per day for the combined Units 4-5. Units 1-3 and Units 4-5 shall not be chlorinated simultaneously.
10. Limitations and monitoring requirements for total residual chlorine are not applicable for any week in which once-through cooling water intake is not chlorinated.
11. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge cooling tower blowdown, demineralizer waste, coal pile runoff, building/yard sumps, bottom ash sluice water, and metal cleaning wastewater from Internal **Outfall I-1C0** to the discharge canal. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Monthly Average	Maximum Daily Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	--	Report	Report	Daily, When Discharging	Totalizer	EFF-2
Oil and Grease (MG/L)	7.0	10.0	--	Every two weeks	Grab	EFF-2
Solids, Total Suspended (MG/L)	30.0	65.0	--	Weekly, When Discharging	24-hour time proportional composite	EFF-2
Hydrazine (MG/L)	--	--	300 Instantaneous Maximum	See Cond. I.A.13	Grab	EFF-2
pH (SU)	--	--	9.0 Maximum	Weekly, When Discharging	Grab	EFF-2
pH (SU)	--	--	6.0 Minimum	Weekly, When Discharging	Grab	EFF-2

12. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.11 and as described below:

Sample Point	Description of Monitoring Location
EFF-2	Ash pond discharge weir.

13. The monitoring frequency for hydrazine shall be three times per cold dump discharge event when the amount of residual hydrazine in the boiler water discharged into the ash pond during a two day period exceeds the threshold level of 43.2 Kg. Grab samples shall be taken at 6, 12, and 24 hours from the time approximately 50 percent of the discharge is complete. The total amount of hydrazine going to the ash pond will be calculated by multiplying the capacity of each boiler being dumped within a two day period by the measured hydrazine residual concentration in that boiler.

For the purposes of this condition, a two day period begins at the start of a boiler discharge to the pond and includes the subsequent 48 hours. Monitoring for hydrazine is not required during a cold dump discharge event provided the total boiler water residual hydrazine amount being discharged is below 43.2 Kg. The facility will establish and maintain a log to verify the total residual level being discharged to the ash pond.

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A discharge event is defined as a cold dump of a single boiler following cold stand-by status which required hydrazine to be added to the boiler water to achieve concentrations higher than normal for protection of metal surfaces. Boiler blowdown, under normal operating conditions with hydrazine concentrations of 10 to 50 ug/l, may be discharged without limitations or monitoring requirements for hydrazine.

14. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Metal Cleaning Wastewater** from Internal Outfall I-150 to Ash Pond. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow, Total Volume (MGAL)	Report	Report	--	Per Discharge	Calculated	EFF-3
Copper, Total Recoverable (MG/L) ¹	1.0	1.0	--	Per Discharge	Time Proportional (Equal Volume) Composite	EFF-3
Iron, Total Recoverable (MG/L) ¹	1.0	1.0	--	Per Discharge	Time Proportional (Equal Volume) Composite	EFF-3

15. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.14 and as described below:

Sample Point	Description of Monitoring Location
EFF-3	Metal cleaning treatment pond pump discharge.

16. Metal cleaning wastes shall mean any chemical cleaning compounds, initial rinse waters following each chemical cleaning, or any other waterborne residues derived from chemical cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.
17. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Cooling Tower Blowdown** from Internal Outfall I-170 to the Ash Pond. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point

¹ One aliquot collected immediately after the start of discharge to the ash pond, one aliquot immediately prior to termination of the discharge, and six aliquots collected at approximately equal times in between.

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	--	Report	--	Weekly	Calculated	EFF-4

18. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.17 and as described below:

Sample Point	Description of Monitoring Location
EFF-4	Cooling tower blowdown line conveyance pipe.

19. The time of Total Residual Oxidants(TRO) discharge shall not exceed 2 hours per unit per day.
20. The permittee is authorized to utilize the following water treatment additives in the recirculating cooling tower systems for generating Units 6 and 7:

- Sodium Hypochlorite
- Betz Depositrol PY5200
- Betz AZ8100(AZ8104)
- BetzDearborn AF1440
- Bayer Preventol CL 7-50 (Unit 6 only)
- Ondeo Nalco 9353
- Ondeo Nalco 7468

The permittee shall, within 30 days of permit issuance, provide certification that the 126 priority pollutants (as listed in 40 CFR Part 423, Appendix A) are not being discharged in detectable concentrations in the cooling tower blowdown as a result of the addition of the above chemicals.

21. There shall be no discharge of floating solids or visible foam in other than trace amounts.
22. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

This section is not applicable to this facility.

C. Land Application Systems

Land application requirements are referenced in items III.B.5, III.B.6, and section IV of the permit.

D. Other Methods of Disposal or Recycling

There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

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E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
 - c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Northwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 – June 30	April 28 July 28

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REPORT Type on DMR	Monitoring Period	DMR Due Date
	July 1 – September 30 October 1 – December 31	October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

Florida Department of Environmental Protection
 Wastewater Compliance Evaluation Section, Mail Station 3551
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Northwest District Office at the address specified below:

Northwest District Office
 160 Governmental Center
 Pensacola, Florida 32502-5794
 Phone Number - (850) 595-8300
 FAX Number - (850) 595-8417 (All FAX copies shall be followed by original copies.)
5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
9. After two years of data collection the permittee may request by permit revision a reduction in parameter monitoring frequencies in accordance with EPA Document 833-R-96-001 entitled Interim Guidance for Performance Based Reduction of NPDES permit Monitoring Frequencies (April 19, 1996).
10. This permit authorizes the use of ammonia to be added to the boiler feed water in order to elevate pH. Residual ammonia in concentrations of approximately 1.0 mg/l in the boiler blowdown and 10.0 mg/l in boiler water during cold stand-by may be discharged without limitations or monitoring requirements for ammonia.

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11. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
12. Discharge of uncontaminated storm water, intake screen backwash water, turbine oil cooler water, and hydrogen generator cooler water is permitted without limitations or monitoring requirements, except that there shall be no discharge of floating oil.
13. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit. The discharge of plant ash transport water, resulting from the combustion of on-specification used oil as authorized under the Resource Conservation and Recovery Act and 40 CFR Part 266, via the ash pond shall be an authorized discharge of this permit.
14. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner which produces uncontrolled runoff.
15. The Permittee shall survey all ash pond dikes and toe areas for structural integrity pursuant to the schedule in Condition VI.3. and shall certify that no breaches or structural defects resulting in the discharges to surface waters of the State were observed during the previous calendar year
16. Pursuant to the schedule in Condition VI.4, the Permittee shall certify that the ash pond provides the necessary minimum wet weather detention volume to contain the combined volume for all direct rainfall and all rainfall runoff to the pond resulting from the 10-year, 24-hour rainfall event and maximum dry weather plant waste flows which could occur during a 24-hour period, and shall provide a summary of the calculations to support the certification.
17. The Permittee shall develop an evaluation plan, subject to the Department's review and approval, and in accordance with Rule 62-302.520(1)(d), F.A.C., pursuant to the schedule in item VI. 5, including a proposed implementation schedule, designed to determine compliance with Rule 62-302.520(1)(a), F.A.C. The plan shall address monitoring of aquatic species as necessary, and shall include reporting requirements. The evaluation plan shall incorporate relevant existing data developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee. Any determination by the Department that the Permittee's evaluation plan is inadequate shall be subject to Section 120.569 and 120.57, F.S.
18. The use of any biocide, chlorine or other chemical in the cooling tower system is prohibited, unless specifically authorized elsewhere in this permit. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

A permit revision from the Department shall be required prior to the use of any biocide or chemical additive, which may be toxic to aquatic life, (except as authorized elsewhere in this permit) in the cooling water system, boiler, or any portion of the industrial wastewater system. The permit revision request shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- c. Quantities to be used

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- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027F entitled, Methods for Measuring the Acute Toxicity of Effluents in Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a substantial or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

II. Industrial Sludge Management Requirements

Sludge management is referenced in items III.B.5, III.B.6, and section IV of the permit.

III. Ground Water Monitoring Requirements

A. Construction Requirements

This section is not applicable to this facility.

B. Operational Requirements

1. During the period of operation authorized by this permit, the permittee shall sample groundwater in accordance with this permit and the approved groundwater monitoring plan prepared under Rule 62-522.600, F.A.C.
2. The following monitoring wells shall be sampled for the Ash Pond:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWB-1	Formerly MW-1D, DEP Test Site ID# 1017A12988, Unit 5	155	Sand & Gravel	Existing
MWC-3	Formerly MW-3D, DEP Test Site ID# 1017A12989, Unit 5	97	Sand & Gravel	Existing
MWC-4	Formerly MW-4D, DEP Test Site ID# 1017A12990, Unit 5	83	Sand & Gravel	Existing
MWC-5	Formerly MW-5D, DEP Test Site ID# 1017A12991, Unit 5	122	Sand & Gravel	Existing
MWC-7	Formerly MW-7D, DEP Test Site ID# 1017A12993, Unit 5. See Condition III.B.22.	--	Sand & Gravel	--
MWC-8	Formerly MW-8D, DEP Test Site ID# 1017A12994, Unit 5	190	Sand & Gravel	Existing
MWC-9	Formerly WSW-5, DEP Test Site ID#	255	Sand & Gravel	Existing

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Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
	1017A11467, Unit 5			
MWB-2	Formerly MW-1S, DEP Test Site ID# 1017A12995, Unit 2	103	Sand & Gravel	Existing
MWB-3	Formerly MW-2S, DEP Test Site ID# 1017A12996, Unit 2	110	Sand & Gravel	Existing
MWI-1	Formerly MW-3S, DEP Test Site ID# 1017A12997, Unit 2	54.6	Sand & Gravel	Existing
MWI-2	Formerly MW-4S, DEP Test Site ID# 1017A12998, Unit 2	43.8	Sand & Gravel	Existing
MWI-3	Formerly MW-5S, DEP Test Site ID# 1017A12999, Unit 2	60	Sand & Gravel	Existing
MWI-4	Formerly MW-7S, DEP Test Site ID# 1017A13001, Unit 2. See Condition III.B.22.	--	Sand & Gravel	--
MWC-10	Formerly MW-8S, DEP Test Site ID# 1017A13002, Unit 2	129	Sand & Gravel	Existing
MWC-11	Formerly MW-1P, DEP Test Site ID# 1017A13003, Unit 1	25.6	Perched Sand & Gravel	Existing
MWC-12	Formerly MW-2P, DEP Test Site ID# 1017A13004, Unit 1	13	Perched Sand & Gravel	Existing
MWP-1	Formerly S-1, DEP Test Site ID# 1017A13005	10	Piezometers	Existing
MWP-2	Formerly S-2, DEP Test Site ID# 1017A13006	10	Piezometers	Existing
MWP-3	Formerly S-3, DEP Test Site ID# 1017A13007	10	Piezometers	Existing
MWP-4	Formerly S-4, DEP Test Site ID# 1017A13008	12	Piezometers	Existing
MWP-5	Formerly S-5, DEP Test Site ID# 1017A13009	15.5	Piezometers	Existing
MWP-6	Formerly S-6, DEP Test Site ID# 1017A13010	16	Piezometers	Existing
MWP-7	Formerly S-7, DEP Test Site ID# 1017A13011	16	Piezometers	Existing
MWP-8	Formerly I-2, DEP Test Site ID# 1017A13012	65	Piezometers	Existing
MWP-9	Formerly D-2, DEP Test Site ID# 1017A13013	85	Piezometers	Existing
MWP-10	Formerly I-6, DEP Test Site ID# 1017A13014	86	Piezometers	Existing
MWP-11	Formerly D-6, DEP Test Site ID# 1017A13015	140	Piezometers	Existing
MWP-12	Formerly I-7, DEP Test Site ID# 1017A13016	115.5	Piezometers	Existing
MWP-13	Formerly D-7, DEP Test Site ID# 1017A13017	169.8	Piezometers	Existing

MWB = Background; MWI = Intermediate; MWC = Compliance; MWP = Piezometer

3. The monitor wells specified in Condition III.B.2 shall be sampled for the parameters listed below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
PH	Report	SU	Grab	Semiannually
Specific Conductance	Report	UMHO/ CM	Grab	Semiannually

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Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Aluminum, Total Recoverable	Report	MG/L	Grab	Semiannually
Arsenic, Total Recoverable	0.01 ²	MG/L	Grab	Semiannually
Cadmium, Total Recoverable	0.005	MG/L	Grab	annually
Chloride (as Cl)	Report	MG/L	Grab	Semiannually
Chromium, Total Recoverable	0.1	MG/L	Grab	Semiannually
Copper, Total Recoverable	Report	MG/L	Grab	annually
Iron, Total Recoverable	Report	MG/L	Grab	Semiannually
Lead, Total Recoverable	0.015	MG/L	Grab	Semiannually
Manganese, Total Recoverable	Report	MG/L	Grab	Semiannually
Mercury, Total Recoverable	0.002	MG/L	Grab	Semiannually
Magnesium, Total Recoverable	Report	MG/L	Grab	Semiannually
Nickel, Total Recoverable	0.1	MG/L	Grab	Annually
Potassium, Total	Report	MG/L	Grab	Semiannually
Selenium, Total Recoverable	0.05	MG/L	Grab	Annually
Sodium, Total Recoverable	160	MG/L	Grab	Semiannually
Sulfate, Total	Report	MG/L	Grab	Semiannually
Zinc, Total Recoverable	Report	MG/L	Grab	Annually
Solids, Total Dissolved (TDS)	Report	MG/L	Grab	Semiannually
Solids, Total Suspended	Report	MG/L	Grab	Semiannually
Turbidity	Report	NTU	Grab	Semiannually
Water Level Relative to NGVD	Report	FEET	In-situ	Semiannually

4. For the land application system(s) Ash Pond, all ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The horizontal ZOD shall consist of the north, south and west property lines and the unsubmerged land limits to the east as shown on Drawing Number E-SK.BH1, Revision A, June 14, 1993. The vertical ZOD shall extend from land surface to the bottom of Unit 2 located at an approximately elevation of -10 to -40 feet NGVD.

² Administrative Order AO015TL establishes an interim limitation of 0.05 mg/l, pursuant to the conditions of the Order.

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5. Ground water monitoring water quality data shall be reported using Form 62-522.900(2) F.A.C. A separate form is required for each sampling point. All water quality monitoring reports required by this permit shall be submitted to the Northwest District Office, ATTN.: Industrial Wastewater for Waste Management, 160 Governmental Center, Pensacola, Florida 32501-5794. The Department identification number for this landfill, GMS #1017P00570, shall be recorded on each report. The Test Site Name and Number shall be used on each report to identify the sampling point. The appropriate store code shall be listed in the extreme left column of the forms for each parameter.
6. Any new wells shall be of an appropriate screen length and diameter so as to provide reliable and representative water quality results. Sieve analyses shall be submitted and shall be used for proper well design. Required well construction permits shall be obtained from the Northwest Florida Water Management District. Upon installation and after settling, new wells shall be properly developed. Upon completion of construction of new wells, Monitor Well Completion Report, Form 62-522.900(3)F.A.C. ; an updated surveyed location map of ground water monitoring network, initial characterization of wells, the lithologic logs, "as-installed" diagrams and descriptions of well development shall be submitted to the Department.
7. All wells shall be located by a registered Florida land surveyor and the coordinates shall be reported in accordance with Rule 62-701.510(3)(d)1., FAC. Existing wells not used in the approved monitoring network for collection of samples or water elevation data shall be properly maintained or shall be properly abandoned in accordance with Rule 62-532.500(4), FAC. Appropriate well abandonment permits shall be obtained from the Northwest Florida Water Management District.
8. Rainfall at the site shall be measured on a daily basis and the results submitted semi-annually along with the compliance monitoring reports.
9. A complete sampling record shall be provided for each monitor well. This record shall include water level; total depth of the well; volume of water in the well; volume of water removed; stabilization documentation including pH, conductivity, and temperature; time interval of purging; time sample is taken; and device(s) used for purging (including discharge rate) and sampling. The permittee may use Form AP1 for reporting this information.
10. In the event that water quality monitoring shows a violation of the applicable water quality standards, the permittee shall arrange for a confirmation resampling within 15 days after the permittee's receipt of laboratory results. In the event that the permittee chooses not to conduct the reconfirmation sampling, the Department shall consider the initial analysis to be representative of the current water quality conditions at this facility. If the initial results demonstrates or the resampling confirms groundwater contamination, the permittee shall notify the Department in writing within 14 days of this finding. Upon notification by the Department, permittee shall initiate assessment monitoring and corrective actions in accordance with Rule 62-701.510(7), F.A.C.
11. With permit renewal (five years from permit issuance), a written technical report shall be prepared and submitted to the Department (along with the permit renewal application) which summarizes and interprets the water quality data and water levels from permit issuance to present. The report shall be submitted by a qualified professional and shall contain the following items at a minimum:
 1. Tables and graphs of water quality data, including hydrographs, for all monitoring wells. Rainfall data should be included with the hydrographs.
 2. A comparison of water quality results between background well, downgradient wells.
 3. A summary of all violations of applicable water standards.

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4. Ground water contour maps for each sampling event.
5. A discussion of any data that is thought to be inconsistent or suspect.
6. A summary of the physical condition of the monitoring system. This should be based on visual observation and sampling records.
12. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
13. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.
14. If the concentration for any constituent listed in Permit Condition III.B.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
15. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.
16. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
17. Analyses shall be conducted on un-filtered samples, unless the approval steps outlined in the FDEP document entitled Determining Representative Ground Water Samples, Filtered or Unfiltered (January 1994) have been met and approved by the Department.
18. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
19. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
20. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
21. Construction of MW-7D and MW-7S shall be delayed until disposal of ash begins in Parcel 2 of the Bottom Ash Storage Area.
22. MW-3S is an intermediate well without a compliance well beyond it. A compliance well may be required if MW-3S shows a contaminant plume.

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23. Piezometers are classified as Perched (S), Intermediate (I), and Deep (D).
24. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the address specified in I.E.3. Results shall be submitted with the DMR for each month listed in the following schedule.

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

1. The permittee's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with rules 62-520.400 and 62-520.420, 62-520.520(1), F.A.C. This facility has "existing installation" status and is exempt from compliance with secondary drinking water standards.
2. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in rule 62-520.400, F.A.C., within the zone of discharge."
3. Combustion By-Products Management Requirements
 - A. Combustion by-products produced by the operation of Plant Crist: ash, non-hazardous metal cleaning wastewater sludge, and other solid waste approved by the Department shall be disposed of in the on-site 78 acre solid waste management facility permitted through this permit or to another appropriate solid waste management facility permitted by the Department.
 - B. The disposal of combustion by-products in the on-site solid waste management facility permitted by the this permit shall be in accordance with the construction permit, IC17-031700, issued October 13, 1980, and the requirements of Chapter 62-701, F.A.C., except as modified by Evaluation of Solid Waste Management Practices and Requirements for the Florida Electric Utility Industry.
 - C. A copy of the engineering drawings, plans, reports, construction permit, and supporting information shall be kept at this landfill at all times for reference and inspections.
 - D. In no event shall any solid waste other than combustion by-products or other materials approved by the Department be disposed of on the plant site other than in areas specifically designated in the application. Small amounts of accumulated debris that has been removed from the plant's cooling water intake screens, consisting mainly of vegetation, may be placed in a central location near the ash landfill.
 - E. The solid waste management facility has been and will be constructed in phases.
 - F. The final cover system, including the drainage soil, top soil and seeding, shall be completed within 180 days after the final waste deposit date.

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- G. Final closure of the facility shall comply with the provisions of Rules 62-701.600 through 62-701.620, FAC, except as modified by Evaluation of Solid Waste Management Practices and Requirements for the Florida Electric Utility Industry and any additional requirements in effect at the time wastes cease to be accepted by the facility.
- H. Surface water runoff shall be controlled during operation under this permit and shall comply with FAC Chapter 62-302 at the site boundary. Specifically, surface water runoff from the on-site solid waste management facility shall be collected into the stormwater pond which discharges through percolation to ground water and by a pipeline to the recycling cooling tower basin for Units 6 & 7.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained	Issuance Date of permit
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2. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
3. Annually during the term of this permit, the Permittee shall certify the structural integrity of the ash pond dikes and toe areas in accordance with Condition I.E.15. Additionally, in the event that structural defects are identified which could result in potential discharge to surface waters of the State, the permittee shall notify the Department within fifteen (15) days of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule.
4. Annually during the term of this permit, the Permittee shall certify that the ash pond meets wet weather requirements in accordance with Condition I.E.16.
5. Within 24 months of the effective date of this permit, the Permittee shall submit a Plan of Study to evaluate biological monitoring data in accordance with the requirements of Item I.E.17.
6. The Permittee shall comply with the requirements of 40 CFR Part 125.95(a)(1) and (2) no later than upon submittal of a timely application for permit renewal, submitted pursuant to the requirements of condition VII.C. of this permit.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. This section is not applicable to this facility.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

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4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.

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(9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

2. **Best Management Practices/Pollution Prevention Plan**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. **Signatory Authority & Management Responsibilities**

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the Department upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. **BMP3 Plan Requirements**

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. **Waste Minimization Assessment**

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit.

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If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 -- Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment

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or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.

- (3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

<u>ELEMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

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F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to

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minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.
[62-620.610(9), F.A.C.]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*

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13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. [62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17), F.A.C.]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C. [62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]

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20. The permittee shall report to the Department's Northwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Northwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.
 - c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northwest District Office shall waive the written report.
[62-620.610(20), F.A.C.]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

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- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.
[62-620.610(22), F.A.C.]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

PERMITTEE:

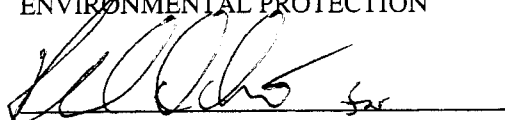
Gulf Power Company
One Energy Place
Pensacola, FL 32520

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Issuance date: November 14, 2005
Expiration date: November 13, 2010

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336



Department of Environmental Protection

received
7/7/05

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Gulf Power Company
Mr. Michael L. Kyhos
Environmental Affairs
One Energy Place
Pensacola, FL 32520

PA File No. FL0002283-003-IW1S
Jackson County
Scholz Electric Generation Plant

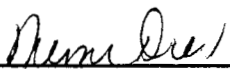
NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FL0002283, issued under Section 403.0885, Florida Statutes, and DEP Rule 62-620, Florida Administrative Code, authorizing wastewater discharge from the GPC Scholz Electric Generating Plant, Sneads, Jackson County to the Apalachicola River, a Class III fresh water. The facility consists of seven steam electric fossil fuel generating units. The permit is being issued with Administrative Order AO014TL which provides an interim limit for the arsenic groundwater standard while the facility evaluates means for compliance with the current standard.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68, Florida Statutes, by the filing of a Notice of Appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director, Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8335

Gulf Power Company
Scholz Electric Generation Plant
FL0002283-003-IW1S

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated deputy clerk, receipt of which is hereby acknowledged.

J. Shields 07-06-05
Clerk Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on the date indicated to the listed persons.

J. Shields 07-06-05
Name Date

Copies furnished to:

Chairman, Board of Jackson County Commissioners
Betsy Hewitt- DEP Tallahassee (w/o attachment)
William "Bill" Armstrong, P.E.- DEP Pensacola

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Gulf Power Corporation
One Energy Place
Pensacola, Florida 32520

Administrative Order No. AO014TL

Scholz Power Plant
DEP Permit No: FL0002283

ADMINISTRATIVE ORDER

I. STATUTORY AUTHORITY

The Department of Environmental Protection (Department) issues this Administrative Order under the authority of Section 403.088(2)(f), Florida Statutes (F.S.). The Secretary of the Department has delegated this authority to the Director of the Division of Water Resources Management, who issues this order and makes the following findings of fact.

II. FINDINGS OF FACT

1. Gulf Power Corporation (GPC) (Permittee) is a "person" as defined under Section 403.031(5), F.S.
2. The Permittee owns and operates a steam electric power generating facility known as the GPC Scholz Power Plant, located at 1460 Gulf Power Road, Sneads, Jackson County, Florida 32460, which discharges industrial wastewater into waters of the state as defined in Section 403.031(13), F.S.
3. The Permittee has filed a timely application for a permit renewal, permit number FL0002283 (Permit), under Section 403.088(2), F.S.
4. Arsenic is occasionally detected in onsite groundwater monitoring wells at concentrations less than 50 micrograms/liter (ug/l), but greater than 10 ug/l. Thus, the facility meets the groundwater arsenic standard for Class G-II groundwater pursuant to Rule 62-520.420, Florida Administrative Code (F.A.C.), in effect through December 31, 2004 (50 ug/l), but may not always meet the G-II arsenic standard in effect from January 1, 2005 onward (10 ug/l).
5. Sections 403.088(2)(e) and (f), F.S., allow the Department to issue a permit for the discharge of wastewater which may not meet all applicable rule requirements, into waters of the state, if the permit is accompanied by an order establishing a schedule for achieving compliance with all permit conditions if criteria specified in the order are met.
6. The Department finds that in this case:
 - (1) The applicant needs permission to exceed the 10 ppb water quality standard (pollute) in ground waters within the state by exceeding the Class G-II ground water standard for arsenic that became

effective January 1, 2005, for a period of time necessary to evaluate the feasibility of engineering and hydrogeologic means for meeting the new standard, including but not limited to the planning, construction, installation or operation of an approved pollution abatement or mitigation facility, or, as appropriate, to apply for relief from compliance with Rule 62-520.420 F.A.C., with regard to the concentration of arsenic in discharges to groundwater.

- (2) There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into the waters of the state;
- (3) The granting of an operation permit will be in the public interest; and
- (4) The discharge will not be unreasonably destructive to the quality of the receiving groundwater.

III. ORDER

Based on the foregoing findings of fact,

IT IS ORDERED,

7. The Permittee shall conduct an engineering and/or geological evaluation, as appropriate, to identify possible sources of arsenic pollution (if any) from the facility and its activities, and to evaluate potential ways to eliminate or control the release of arsenic from such sources to waters of the state. The results of the evaluation shall be submitted in a report (Report) to the Department for review and approval no later than 24 months following the effective date of this order. The Report shall include recommendations and a schedule for implementation of arsenic elimination or control strategies. However, if the Permittee determines that arsenic elimination and control strategies are not technically or economically feasible, the Report may recommend that the Permittee petition the Department for appropriate relief from the standard for arsenic in Class G-II ground water, such as through an application for an exemption from water quality standards, variance or other relief mechanism. Such an application may be filed with the Report. The Department will provide either a written request for additional information or approve the Report within 60 days following receipt. In the event the Department deems the Report to be incomplete or inadequate, Respondent shall, within 60 days of written request from the Department, respond to the Department regarding the information requested and address all concerns raised in the Department's written request. Within 60 days following receipt of the additional information, the Department shall either approve the Report in writing, or issue a notice that outlines actions for implementation by the Respondent, subject to Sections 120.569 and 120.57, F.S., if the re-submittal of the Report is still deemed to be incomplete or inadequate.
8. Compliance with the Class G-II groundwater standards shall be required as defined in condition III.4 of the Permit, except for arsenic, which shall be subject to the following interim limit. Until such time as the Permittee implements arsenic control measures or appropriate relief is approved pursuant to paragraph III.7 of this Order, the concentration of arsenic in groundwater compliance monitoring wells identified in condition III.4 of the Permit shall not exceed 50 ug/l. Subsequently, unless otherwise provided in a Department Order granting a relief mechanism, the Permittee shall comply with the G-II ground water standard for arsenic of 10 ug/l pursuant to Rule 62-520.420, F.A.C., in effect from January 1, 2005 onward.

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GPC Scholz Power Plant
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9. Subject to paragraphs 8. and 16. of this order, the Permittee shall be required to comply with the G-II ground water standard for arsenic of 10 ug/l pursuant to Rule 62-520.420, F.A.C., or other applicable relief mechanisms pursuant to this order, no later than 48 months following the effective date of this order. :
10. The Permittee shall maintain and operate its facilities in compliance with all other conditions of the Permit.
11. This order may be modified through revisions as set forth in Chapter 62-620, F.A.C.
12. Unless otherwise specified herein, reports or other information required by this order shall be sent to: Industrial Wastewater Section, ATIN: Mail Station 3545, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, with a copy sent to: Industrial Wastewater Section, Department of Environmental Protection, Northwest District, 160 Government Street, Pensacola, Florida 32501-5794.
13. This order does not operate as a permit under Section 403.088, F.S. This order shall be incorporated by reference into Permit FL0002283, which shall require compliance by the Permittee with the requirements of this order.
14. Failure to comply with the requirements of this order shall constitute a violation of this order and Permit FL0002283, and may subject the Permittee to penalties as provided in Section 403.161, F.S.
15. This order is final when filed with the clerk of the Department, and the Permittee then shall implement this order unless a petition for an administrative proceeding (hearing) is filed in accordance with the notice set forth in the following Section.
16. If any event occurs that causes delay or the reasonable likelihood of delay in complying with the requirements of this order, the Permittee shall have the burden of demonstrating that the delay was or will be caused by circumstances beyond the reasonable control of the Permittee and could not have been or cannot be overcome by the Permittee's due diligence. Economic circumstances shall not be considered circumstances beyond the reasonable control of the Permittee, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Permittee, unless the cause of the contractor's late performance was also beyond the contractor's control. Delays in final agency action on an application for a relief mechanism are eligible for consideration under this paragraph, provided that none of those delays were a result of late submission of information by the Permittee. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, the Permittee shall notify the Department orally at: the Department's Northwest District office, (850) 595-8300 within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing at: Northwest District office, 160 Government Street, Pensacola, Florida 32501-5794 of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Facility intends to implement these measures. If the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Permittee, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances.

IV. NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, F.S., is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

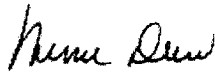
Any party to the order has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with

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the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DONE AND ORDERED on this 6th day of July 2005 in Tallahassee, Florida.

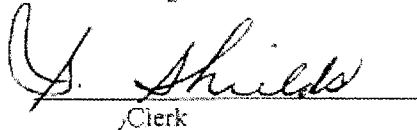
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director
Division Of Water Resource Management

CLERK STAMP

FILED AND ACKNOWLEDGED on this date, under Section 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is acknowledged.



Clerk

July 6th, 2005

Date

Copies furnished to Permit Distribution List

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER:

FL0002283 (Major)

PA FILE NUMBER:

FL0002283-003-IW1S

ISSUANCE DATE:

July 1, 2005

EXPIRATION DATE:

June 30, 2010

RESPONSIBLE AUTHORITY:

Mr. Bernard Jacob
Vice-President, External Affairs & Corporate
Services

FACILITY:

Scholz Electric Generation Plant
1460 Gulf Power Road
Sneads, FL 32460
Jackson County

Latitude: 30° 40' 11.55" N Longitude: 84° 53' 15.76" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). This permit is accompanied by an Administrative Order pursuant to paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Administrative Order AO014TL is a specific requirement of this permit. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

This facility consists of two coal fired steam electric generating units (Units 1 and 2) with a total nameplate rating of 80 megawatts (MW), and a gross generation capacity facility of 98 MW.

WASTEWATER TREATMENT:

Non-contact once-through condenser cooling water (OTCW) discharges with chlorination to the on-site discharge canal, and thence to the Apalachicola River, a Class III fresh water. All other industrial and domestic wastewater streams discharge into the on-site ash pond. Discharges to the on-site ash pond consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown and air preheater wash) auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater. Domestic Wastewater receives secondary treatment in a package treatment plant prior to discharging to the ash pond. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

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EFFLUENT DISPOSAL:

Surface Water Discharge:

An existing 129.6-MGD maximum discharge to Apalachicola River (Class III Fresh waters). The non- contact once-through condenser cooling water through D-001 located approximately at latitude 30° 39' 58" N, longitude 84° 53' 12" W.

Internal Outfalls:

This permit authorizes discharge from an existing internal outfall I-012 to discharge canal, and from an existing internal outfall I-013 to ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VII on pages 3 through 24 of this permit.

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge non-contact once-through condenser cooling water and ash pond overflow from Outfall D-001-COMBINED PLANT DISCHARGE. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	--	Report	--	Daily	Calculated	EFF-2
Temperature (F), Water (Intake) (DEG.F)	Report	Report	--	4 days/week	Recorder	INT-1
Temperature (F), Water (Discharge) (DEG.F) ¹	Report	Report	--	4 days/week	Recorder	EFF-1
pH (SU)	--	8.5	6.0	Weekly	Grab	EFF-2
Oil and Grease (MG/L)	--	5.0	--	Quarterly	Grab	EFF-2
Chlorine, Total Residual (MG/L) ²	--	0.01	--	Weekly	Grab	EFF-2
Chlorination Duration (MINUTES)	--	120	--	Weekly	Calculated	EFF-2
Copper, Total Recoverable (UG/L)	--	Report	--	Annually	24-hr. time proportional composite	INT-1
Copper, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Cadmium, Total Recoverable (UG/L)	--	Report	--	Annually	24-hr. time proportional composite	INT-1
Cadmium, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Lead, Total Recoverable (UG/L)	--	Report	--	Annually	24-hr. time proportional composite	INT-1
Lead, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2

¹ Discharge from this outfall is subject to the requirements of Rule 62-302.520(1), F.A.C.

² Multiple grabs for TRC shall consist of grab samples collected at approximately the beginning of the period of expected chlorine discharge and once every 15 minutes thereafter until the end of the period of chlorine discharge.

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Iron, Total Recoverable (MG/L)	--	Report	--	Annually	24-hr. time proportional composite	INT-1
Iron, Total Recoverable (MG/L)	--	1.0, See Cond. I.A.4	--	Annually	24-hr. time proportional composite	EFF-2
Coliform, Fecal (#/100ML)	--	800	--	Quarterly	Grab	EFF-2
Hardness, Total (as CaCO3) (MG/L)	--	Report See Cond. I.A.3	--	Annually	24-hr. time proportional composite	EFF-2

2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
EFF-2	In the discharge canal 200 feet downstream from the ash pond discharge prior to the confluence of the discharge canal and the Apalachicola River.
INT-1	At the condenser inlet.
EFF-1	At the condenser outlet.

3. The limit for Total Recoverable Copper, Cadmium, and Lead shall be calculated using the following equations:

$$Cu < e(0.8545[\ln H]-1.702)$$

$$Cd < e(0.7852[\ln H]-3.49)$$

$$Pb < e(1.273[\ln H]-4.705)$$

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO3. This equation can only be applied for hardness in the range of 25 MG/L to 400 MG/L as CaCO3. If the total hardness is below 25 MG/L, the permittee shall use 25 MG/L for total hardness in the equation and if the hardness is above 400 MG/L, the permittee shall use 400 MG/L for total hardness in the equation.

The measured effluent value shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (effluent). The calculated effluent limit shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated effluent limit. The compliance value shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (effluent minus calculated limit). If the compliance value is greater than 0.00, the permittee will be considered in violation of the limitation.

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4. The actual limit shall be the water quality standard set in Rule 62-302.530, F.A.C., for Class III fresh water or the concentration of the intake cooling water, whichever is greater. If the outfall D-001 composite sample exceeds the intake concentration, and the intake concentration exceeds the water quality standard, a minimum of five (5) additional sub-samples shall be measured from the original intake and outfall composites and a "student t-test" shall be run on these additional sub-sample comparing discharge concentrations with intake concentrations; unless the discharge concentration exceeds the intake concentration at the 95% confidence level, the facility shall be in compliance with the limit.
5. Limitations and monitoring requirements for total residual chlorine are not applicable for time periods in which once- through condenser cooling water intake is not chlorinated.
6. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge ash pond discharge from Internal Outfall I-012- **ASH POND DISCHARGE** (formerly outfall I-IC) to discharge canal. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	--	--	Weekly	Calculated	OUI-3
Solids, Total Suspended (MG/L)	100	30	--	Weekly	24-hr. time proportional composite	OUI-3
Oil and Grease (MG/L)	20	15	--	Every two weeks	Grab	OUI-3
PH (SU)	-	--	9.0 Maximum 6.0 Minimum	Weekly	Grab	OUI-3
Nickel, Total Recoverable (UG/L)	--	--	Report Instantaneous Maximum	Annually	Grab	OUI-3

7. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.6 and as described below:

Sample Point	Description of Monitoring Location
OUI-3	The point of discharge is the ash pond discharge weir.

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8. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge domestic wastewater treatment plant effluent from Internal Outfall I-013 **DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT** (formerly outfall I-1A) to the ash pond. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Weekly ³	Meter	OUI-4
Biochemical Oxygen Demand-5 (MG/L)	60.0	30.0	--	Quarterly	Grab	OUI-4
Solids, Total Suspended (MG/L)	60.0	30.0	--	Quarterly	Grab	OUI-4

³ Flow measurements shall be taken on the day of the highest expected flow rate for the week based on number of employees working.

9. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.8 and as described below:

Sample Point	Description of Monitoring Location
OUI-4	The point of discharge is the wastewater treatment outlet box.

10. Wastewater treatment plant effluent shall be continuously chlorinated and 0.5 mg/l chlorine residual shall be maintained in the contact chamber for 15 minutes prior to discharge.
11. Discharge of uncontaminated stormwater; intake screen backwash water, turbine oil cooling water, and hydrogen cooler water is permitted without limitations or monitoring requirements except that there shall be no discharge of floating oil.
12. There shall be no discharge of floating solids or visible foam in other than trace amounts.
13. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

This section is not applicable to this facility.

C. Land Application Systems

This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

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E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

- a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
- b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
- c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

- 2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.
- 3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Northwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 – March 31	April 28
	April 1 – June 30	July 28
	July 1 – September 30	October 28

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REPORT Type on DMR	Monitoring Period	DMR Due Date
	October 1 – December 31	January 28
Semiannual	January 1 – June 30	July 28
	July 1 – December 31	January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Northwest District Office at the address specified below:

Northwest District Office
160 Government Center
Pensacola, FL 32501-5794

Phone Number - (850) 595-8300
FAX Number - (850) 595-8300 (All FAX copies shall be followed by original copies.)

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples, which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
9. In accordance with 40 CFR Part 423.12 (b)(2) there shall be no discharge of polychlorinated biphenyl compounds.
10. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream, which ultimately may be released, to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit. A permit revision from the Department shall be required prior to the use of any biocide or chemical additive used

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in the cooling system (expected chlorine as authorized elsewhere in this permit) or any other portion of the treatment system which may be toxic to aquatic life. The permit revision request shall include:

- a. Name and general composition of biocide or chemical.
- b. Frequencies of use.
- c. Quantities to be used
- d. Proposed effluent concentration
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a substantial or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

10. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit. The discharge of plant ash transport water, resulting from the combustion of on specification used oil as authorized under the Resource Conservation and Recovery Act (RCRA) and 40 CFR Part 266, via ash pond shall be an authorized discharge of this permit.
11. Pursuant to Rules 62-302.500(2)(d) and 62-620.620(2)(c) 1., F.A.C., metals concentrations shall be reported and expressed as the total recoverable fraction.
12. The permittee shall periodically survey all ash pond dikes and toe areas for structural integrity. No later than December 31, 2005, and annually thereafter, the permittee shall certify that no breaches or structural defects resulting in the discharges to surface waters of the State were observed during the previous calendar year. In the event that such defect(s) exists and results in potential discharge to surface waters of the State, the permittee shall notify the Department within fifteen (15) days of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule.
13. This permit authorizes the use of hydrazine and ammonia in the boiler water system.
14. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner, which produces uncontrolled runoff.
15. Once each year during the term of this permit, the permittee shall certify that the ash pond provides the necessary minimum wet weather detention volume to contain the combined volume for all direct rainfall and all rainfall runoff to the pond resulting from the 10-year, 24-hour rainfall event and maximum dry weather plant waste flows which could occur during a 24-hour period. The basis for the annual certification shall be the most recent physical survey conducted, and the amount of ash or other material disposed in or removed from the ash

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pond during the calendar year. Another physical survey shall be conducted 3 to 6 months prior to the expiration of this permit to be used as the basis for certification for the last calendar year of this permit and for certification required during the next permitting cycle.

- The Permittee shall develop an evaluation plan in accordance with Rule 62-302.520(1), F.A.C., pursuant to the schedule in item VI. 5, including a proposed implementation schedule, designed to determine any effects on biological communities from the heated water discharge to the Apalachicola River. The plan shall address monitoring of aquatic species as necessary, and shall include reporting requirements. The evaluation plan shall incorporate relevant existing data developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee. Any determination by the Department that the Permittee's evaluation plan is inadequate shall be subject to Section 102.569 and 120.27, Florida Status (F.S).

II. Industrial Sludge Management Requirements

- This section not applicable to this facility.

III. Ground Water Monitoring Requirements

A. Construction Requirements

- This section is not applicable to this facility.

B. Operational Requirements

- During the period of operation authorized by this permit, the permittee shall sample ground water in accordance with this permit and the approved ground water monitoring plan prepared under Rule 62-522.600, F.A.C.
- The following monitoring wells shall be sampled for Ground Water Discharge:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWC-2	WSW-2	-	Floridan	Existing
MWC-203	MW-203MD	-	Floridan	Existing
MWC-204	MW-204MD	-	Floridan	Existing
MWB-205	MW-205MD	-	Floridan	Existing
MWC-210	MW-210MD	-	Floridan	Existing
MWC-212	MW-212MD	-	Floridan	Existing
MWC-2031	MW-203S	-	Surficial	Existing
MWI-210S	MW-210S	-	Surficial	Existing
MWI-204	MW-204S	-	Surficial	Existing
MWB-2051	MW-205S	-	Surficial	Existing
MWP-103	MW-103	-	Floridan	Existing
MWP-105	MW-105	-	Floridan	Existing
MWP-110	MW-110A	-	Floridan	Existing
MWP-112	MW-112	-	Floridan	Existing

MWB = Background; MWI = Intermediate; MWC = Compliance; MWP = Piezometer

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3. The monitor wells specified in Condition III.B.2 shall be sampled for the parameters listed below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	FEET	In-situ	Annually
pH	Report	SU	Grab	Annually
Specific Conductance	Report	UMHO/CM	Grab	Annually
Aluminum, Total Recoverable	Report	MG/L	Grab	Annually
Arsenic, Total Recoverable	0.01 ³	MG/L	Grab	Annually
Cadmium, Total Recoverable	0.005	MG/L	Grab	Annually
Chloride (as Cl)	Report	MG/L	Grab	Annually
Chromium, Total Recoverable	0.100	MG/L	Grab	Annually
Iron, Total Recoverable	Report	MG/L	Grab	Annually
Lead, Total Recoverable	0.015	MG/L	Grab	Annually
Magnesium, Total Recoverable	Report	MG/L	Grab	Annually
Mercury, Total Recoverable	0.002	MG/L	Grab	Annually
Selenium, Total Recoverable	0.050	MG/L	Grab	Annually
Sulfate, Total	Report	MG/L	Grab	Annually
Alpha, Gross Particle Activity	15	PCI/L	Grab	Every Five Years
Radium 226 + Radium 228, Total	5	PCI/L	Grab	Every Five Years
Solids, Total Dissolved (TDS)	Report	MG/L	Grab	Annually

4. The zone of discharge for the ash pond shall extend horizontally along the ground surface to the property line and vertically from the land surface to the base of the surficial aquifer.
5. A complete sampling record shall be provided for each monitor well. This record shall include water level, total depth of the well, volume of water in the well, volume of water removed, stabilization documentation including pH, conductivity, and temperature; time interval of purging; time sample is taken; and device(s) used for purging (including discharge rate) and sampling.
6. When gross alpha is detected above 5.0 pCi/l then combined Radium 226 and 228 shall be tested and reported.
7. In the event water quality monitoring shows a violation of the applicable water quality standards, the permittee shall arrange for a confirmation re-sampling within 15 days after the permittee's receipt of laboratory results. In

³ Administrative Order AO014TL establishes an interim limitation of 0.05 mg/l, pursuant to the conditions of the Order.

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the event that the permittee chooses not to conduct the reconfirmation sampling, the Department shall consider the initial analysis to be representative of the current water quality conditions at this facility. If the initial results demonstrate or the re-sampling confirms ground water contamination, the permittee shall notify the Department in writing within 14 days of this finding.

8. The Permittee shall develop a written technical report pursuant to the schedule in Condition VI.4; to summarize and interpret the water quality data and water levels obtained from permit issuance to the date of renewal application submittal. The report shall be submitted by a qualified professional and shall contain the following items at a minimum:
 1. Tables and graphs of water quality data, including hydrographs, for all monitoring wells. Rainfall data should be included with the hydrographs.
 2. A comparison of water quality results between background well and downgradient wells.
 3. A summary of all violations of applicable water standards.
 4. Ground water contour maps for each sampling event.
 5. A discussion of any data that is thought to be inconsistent or suspect.
 6. A summary of the physical condition of the monitoring system. This should be based on visual observation and sampling records.
9. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
10. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.
11. If the concentration for any constituent listed in Permit Condition III.B.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
12. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.
13. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
14. Analyses shall be conducted on un-filtered samples, unless the approval steps outlined in the FDEP document entitled Department Representative Ground Water Samples, Filtered or Unfiltered (January 1994) have met and approved by the Department.
15. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
16. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
17. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

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18. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the address specified in I.E.3. Results shall be submitted with the DMR for each month listed in the following schedule.

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

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VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Continue Implementing Existing BMP3 Plan	Issuance Date of Permit

2. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained Issuance Date of permit

3. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
4. When an application for renewal of this permit is submitted, no later than 180 days prior to permit expiration, the Permittee shall submit a technical report on groundwater in accordance with the requirements of Item III.B.9.
5. Within six months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a plan for biological evaluation in accordance with the requirements of Item I.E.17, and shall submit the plan within twelve months of issuance of this permit.
6. The Permittee shall comply with the requirements of 40 CFR Part 125.95(a)(1) and (2) no later than upon submittal of a timely application for permit renewal, submitted pursuant to the requirements of condition VII.C. of this permit.
7. In accordance with sections 403.088(2) (e) and (f), Florida Status (F.S.), a compliance schedule for this facility is contained in Administrative Order AO014TL which is hereby incorporated by reference.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.
2. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

This section is not applicable to this facility.

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C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.

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- (7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.
- (9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

2. **Best Management Practices/Pollution Prevention Plan**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. **Signatory Authority & Management Responsibilities**

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the Department upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. **BMP3 Plan Requirements**

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;

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- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit.

If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 – Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

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g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.
- (3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

<u>ELEMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:

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- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant, which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - 1) One hundred micrograms per liter;
 - 2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony; or
 - 3) Five times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant, which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - 1) Five hundred micrograms per liter;
 - 2) One milligram per liter for antimony; or
 - 3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]

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3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*

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11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.

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- d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
[62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
 20. The permittee shall report to the Department's Northwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Northwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.

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- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northwest District Office shall waive the written report.

[62-620.610(20), F.A.C.]

- 21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*

22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.

- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.

- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.

[62-620.610(22), F.A.C.]

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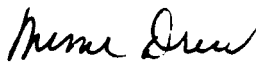
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23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



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