

AUSLEY & McMULLEN

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227 SOUTH CALHOUN STREET
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TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

April 25, 2001

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

010593-E1

Re: Petition of Tampa Electric Company for approval of a new environmental program for cost recovery through the Environmental Cost Recovery Clause

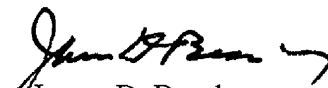
Dear Ms. Bayo:

Enclosed for filing in the above-referenced matter are the original and fifteen (15) copies of Tampa Electric Company's Petition for approval of a new environmental program for cost recovery through the Environmental Cost Recovery Clause.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosures

DOCUMENT NUMBER - DATE

05188 APR 25 2001

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company)
for approval of a new environmental)
program for cost recovery through)
the Environmental Cost Recovery Clause.)
_____)

DOCKET NO. _____
FILED: April 25, 2001

**PETITION OF TAMPA ELECTRIC COMPANY FOR APPROVAL OF
A NEW ENVIRONMENTAL PROGRAM FOR COST RECOVERY
THROUGH THE ENVIRONMENTAL COST RECOVERY CLAUSE**

Tampa Electric Company ("Tampa Electric" or "the company"), by and through its undersigned counsel, and pursuant to Section 366.8255, Florida Statutes, and Florida Public Service Commission ("Commission") Order Nos. PSC-94-0044-FOF-EI and PSC-94-1207-FOF-EI, hereby petitions this Commission for approval of the company's new environmental compliance program – Gannon Thermal Discharge Study – for cost recovery through the Environmental Cost Recovery Clause ("ECRC").

1. Tampa Electric is an investor-owned electric utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Tampa Electric serves retail customers in Hillsborough and portions of Polk, Pinellas and Pasco Counties in Florida. The company's principal offices are located at 702 North Franklin Street, Tampa, Florida 33602.

2. The persons to whom all notices and other documents should be sent in connection with this docket are:

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
(850) 222-7952 (fax)

Angela Llewellyn
Administrator, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601
(813) 228-1752
(813) 228-1770 (fax)

3. On January 14, 1998, Tampa Electric submitted a renewal application to the Florida Department of Environmental Protection (“DEP”) for a permit to discharge treated wastewater from F. J. Gannon Station to waters of the State under the National Pollutant Discharge Elimination System (“NPDES”). Tampa Electric has been operating the plant in accordance with the Clean Water Act Section 316(a) criteria for the thermal component of effluent discharge to “assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.”

4. On January 26, 2001, the DEP issued to Tampa Electric an Industrial Wastewater Facility Permit under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code which constituted authorization for the company’s Gannon Station facility to discharge to waters of the State under the NPDES. Attached hereto as Exhibit “A” is the DEP Permit No. FL0000809.

5. Section I.E.19 of the permit requires Tampa Electric to develop a Plan of Study (“POS”) to be submitted to DEP by July 26, 2001 “to provide necessary data and information in order to determine if the previous 316(a) determination for the Gannon Station.....is still appropriate to ensure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife within the primary area of study. The Study Plan and primary area of study shall be in conformance with the EPA “Draft Interagency 316(a) Technical Guidance Manual and Guide for Thermal Effects Section of Nuclear Facilities Environmental Impact Statements” (Dated May 1, 1977).” Tampa Electric will utilize an outside contractor to develop and implement the measures contained in the POS. Upon DEP approval of the POS, early stages

of implementation are projected to occur in 2001, however, the majority of the work will occur throughout 2002.

Qualifications and Estimated Expenditures for ECRC Recovery

6. Tampa Electric will incur costs for the Gannon Thermal Discharge Study in order to meet the compliance requirement related to the DEP permit. The new program meets the criteria established by this Commission in Docket No. 930613-EI, Order No. PSC-94-0044-FOF-EI in that:

- (a) All expenditures will be prudently incurred after April 13, 1993.
- (b) The activities are legally required to comply with a governmentally imposed environmental regulation enacted, became effective, or whose effect was triggered after the company's last test year upon which rates are based.
- (c) None of the expenditures are being recovered through some other cost recovery mechanism or through base rates.

7. The costs for which Tampa Electric is seeking ECRC recovery are for operating & maintenance ("O&M") expenses associated with the development and implementation of the POS. The O&M projection is \$60,000 for 2001 and \$200,000 for 2002.

8. Tampa Electric expects to begin incurring costs associated with this program in June or July of 2001. Tampa Electric is not requesting a change in its ECRC factors that have been approved for calendar year 2001. Instead, the company proposes to include in its Actual/Estimated 2001 True Up filing all program costs incurred or projected to be incurred subsequent to the filing of this Petition through the end of 2001. The company would then include program costs projected for 2002 in its 2002 projection filing. All expenses would ultimately be subject to a true up audit by the Commission.

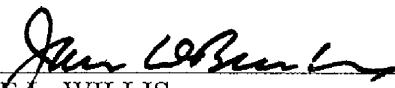
9. The program is a compliance activity associated with the Clean Water Act that should be allocated to rate classes on a demand basis.

10. Tampa Electric is not aware of any disputed issues of material fact relative to the matters set forth in this Petition.

WHEREFORE, Tampa Electric respectfully requests the Commission to approve the company's proposed Gannon Thermal Discharge Study and recovery of the costs of this program through the ECRC in the manner described herein.

DATED this 25th day of April, 2001.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Tampa Electric Company
Exhibit A
DEP Permit No. FL0000809



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

Tampa Electric Company (TEC)
6944 U.S. Highway 41 North
Apollo Beach, FL 33572

PERMIT NUMBER:

FL0000809 – Major

ISSUANCE DATE:

January 26, 2001

EXPIRATION DATE:

January 24, 2006

FACILITY:

Tampa Electric Company (TEC)
F.J. Gannon Station
3602 Port Sutton Rd.
Tampa, FL 33619
Hillsborough County

Latitude: 27° 54' 30" N

Longitude: 82° 24' 53" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. 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:

OPERATIONS:

The plant currently consists of six coal fired steam electric generating units with a combined generating capacity of 1270.4 Megawatts, and one oil fired combustion turbine.

WASTEWATER TREATMENT:

The Gannon Station is currently undergoing repowering, which entails replacing the existing coal-fired boilers with natural gas fired combustion turbines with low sulfur No. 2 oil backup. The existing steam turbines and cooling water condensers will not be modified. Therefore, the repowering project will not cause the facility to be subject to New Source Performance Standards cited in 40 CFR Section 423.15. As part of the repowering project, three storage tanks will be removed. This permit authorizes the permittee to discharge stored tank water (stormwater and treated wastewater) via Outfall D-001, as long as a minimum dilution ratio of 250:1 is maintained.

Wastewater will consist of once through condenser cooling water from Units 1 through 6, and boiler cycle blowdown from Units 1 through 6. The once through cooling water will be withdrawn from Hillsborough Bay on the north side of the station and discharged back to Hillsborough Bay on the south side of the station via a common discharge flume. As an infrequent but necessary boiler operation, boiler cycle blowdown from Units 1 through 6 will be discharged from their corresponding hotwells and/or from other points in the boiler cycle to be combined with the once through cooling water in the discharge flume.

Wastewater effluent from storage tanks 1, 2 and 3 will be discharged with a maximum total daily flow of 2 MGD calculated as the average daily flow from each tank, and a maximum total volume of 45 million gallons. Dilution at the once through cooling water discharge flume will be the mechanism by which water quality standards are not exceeded.

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE

Tampa Electric Company (TEC)
for F J. Gannon Station
6944 U.S. Highway 41 North
Apollo Beach, FL 33572

PERMIT NUMBER: FLO000809
ISSUANCE DATE: January 26, 2001
EXPIRATION DATE: January 24, 2006

EFFLUENT DISPOSAL:

Surface Water Discharge:

An existing 1346.3 MGD average daily flow (ADF) discharge to Hillsborough Bay (Class III Marine waters), serial number D-001 through a common discharge flume. The D-001 outfall is discharged at a depth of approximately -15 feet MSL and the point of discharge is located approximately at latitude 27° 54' 20" N, longitude 82° 25' 23" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 25 of this permit, and in conjunction with Administrative Order AO008TL.

PERMITTEE:
 Tampa Electric Company (TEC)
 for F.J. Gannon Station
 6944 U.S Highway 41 North
 Apollo Beach, FL 33572

PERMIT NUMBER: FL0000809
 ISSUANCE DATE: January 26, 2001
 EXPIRATION DATE: January 24, 2006

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 from **OUTFALL D-001, ONCE-THROUGH NON-CONTACT COOLING WATER**(formerly known as OSN 001) from Units 1 through 6 (including boiler cycle blowdown from internal outfalls I-031 through I-036, and storage tank blowdown from internal outfalls I-037, I-038 and I-039). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (mgd)	Report	Report	--	Continuous	Pump logs	INT-1
Flow During Discharges from TANK-1, TANK-2 and TANK-3 (mgd)	N/A	N/A	Daily Min. of 500 MGD	Continuous during tank discharges	Pump logs	INT-1
Discharge Temperature (deg.F)	Report	Report	--	6/day	logs	EFF-1
Intake Temperature (deg.F)	Report	Report	--	6/day	logs	INT-1
Temp. Diff. between Intake and Discharge (deg.F)	17.0	Report	--	6/day	Calculated	INT-1 EFF-1
Copper, Total Recoverable (µg/l)	N/A	2.9 (see I.A.e)	--	Weekly	Grab	EFF-1
Iron, Total Recoverable (mg/l)	N/A	0.3	--	Weekly	Grab	EFF-1
Whole Effluent Toxicity	See Permit Condition I.A.d					EFF-1

- a. 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-1	At the combined point of unit outfalls.
INT-1	At the combined point to unit intakes.

- b. Discharges shall not increase the temperature of the receiving body of water(RBW) so as to cause substantial damage or harm to the aquatic life or vegetation therein or interfere with beneficial uses assigned to the RBW in accordance with Rule 62-302.520(1)(a) F.A.C.

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- c. The cooling water intake and discharge shall be monitored simultaneously six times per day spread out evenly over a 24-hour time period. The temperature rise shall be calculated for temperature intake and discharge measurements and the daily temperature rise for any one day shall be the average of all temperature rise values for that day.
- d. The permittee shall initiate the series of tests described below beginning upon discharge from tanks 1, 2 and 3 to evaluate whole effluent toxicity of the discharge from outfall D-001. All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents to Freshwater and Marine Organisms, EPA/600/4-90/027F, or the most current edition.

The control water and the effluent used will be adjusted to an appropriate salinity using artificial sea salts as described in EPA/600/4-90/027F, Section 8, or the most current edition. The appropriate tests salinity shall be determined as follows:

When the salinity of the effluent is between 1 and 5 parts per thousand (ppt), the following salinity adjustment shall be used in the test of 100% effluent. For the Mysidopsis bahia bioassays, the effluent and the control (0% effluent) shall be adjusted to a salinity of 6-7 ppt for the 100% effluent test using artificial sea salts. No salinity adjustment shall be done for the Menidia beryllina bioassay test of the 100% effluent.

When the salinity of the effluent is greater than 5 parts per thousand, no salinity adjustment shall be made and the test shall be run at the effluent's salinity for both species.

A standard reference toxicant quality assurance (QA) acute toxicity test shall be conducted concurrently or no greater than 30 days before the date of the "routine" test, with each species used in the toxicity tests. The results of all QA toxicity tests shall be submitted with the discharge monitoring report (DMR). Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

1. (a) The permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid shrimp, Mysidopsis bahia, and the inland silverside, Menidia beryllina. All tests will be conducted on a single grab sample of 100% effluent taken during the maximum expected level of pollutant concentration.

(b) If control mortality exceeds 10% for either species in any test, the test for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% for either species. If, in any 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 sample demonstrates unacceptable acute toxicity.
2. The toxicity tests specified above shall be conducted once every two months during periods of discharge from tanks 1, 2 and 3.
3. Results from "routine" tests shall be reported according to EPA/600/4-90/027F, Section 12, Report Preparation (or the most current edition), and shall be submitted to:

Florida Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33618-8318
Phone Number – (813) 744-6100

PERMITTEE

Tampa Electric Company (TEC)
for F J. Gannon Station
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4. (a) All "routine" test shall be conducted using a control (0% effluent) and one test concentration of **100%** final effluent.
 - (b) Mortalities of greater than 50% in any sample of 100% effluent in any "routine" test or an LC50 of less than 100% effluent in any additional definitive test will constitute a violation of these permit conditions and Rule 62-4.244(3)(a), F.A.C.
 5. (a) If unacceptable acute toxicity (greater than 20% mortality in any grab sample of 100% effluent) is determined in a "routine" test, the permittee shall conduct three additional tests on each species indicating acute toxicity. The first additional test will include four grab samples taken as described in d.1 and run as four separate definitive analyses. The second and third additional definitive tests will be run on a single grab sample collected on the day and time when the greatest toxicity was identified in the "routine" test. Results for each additional test will include the determination of LC50 values with 95% confidence limits.
 - (b) Each additional test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5% and 6.25% effluent and a control (0% effluent). The dilution series may be modified in the second and third test to more accurately identify the toxicity, such that at least two dilutions above and two dilutions below the target toxicity and a control (0% effluent) are run.
 - (c) For each additional test, the sample collection requirements and the test acceptability criteria specified in section 1 above must be met for the test to be considered valid. The first test shall begin within two weeks of the end of the "routine" tests, and shall be conducted weekly thereafter until *three* additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present.
 - (d) Results from additional tests, required due to unacceptable toxicity in the "routine" tests, shall be submitted in a single report prepared according to EPA/600/4-90/027F, Section 12, or the most current edition and submitted within 45 days of completion of the third additional, valid test. If the additional tests demonstrate unacceptable toxicity, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the unacceptable toxicity.
- e. Administrative Order AO008TL provides for a Plan of Study for the water quality parameter copper.

PERMITTEE

Tampa Electric Company (TEC)
for F.J. Gannon Station
6944 U.S Highway 41 North
Apollo Beach, FL 33572

PERMIT NUMBER: FL0000809
ISSUANCE DATE: January 26, 2001
EXPIRATION DATE: January 24, 2006

- 2 During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from **INTERNAL OUTFALLS I-031, I-032, I-033, I-034, I-035 AND I-036, BOILER CYCLE BLOWDOWN**(formerly known as OSN 003) from Units 1 through 6, respectively, to Hillsborough Bay via a common discharge flume. Such discharge shall be limited and monitored by the permittee as specified below. **These requirements only apply in the event that a direct surface water discharge of boiler cycle blowdown is necessary:**

Parameters (units)	Discharge Limitations		Monitoring Requirements		
	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (mgd)	Report	Report	One per event	Logs	EFF-3
Oil and Grease, hexane extr method (mg/l)	N/A	5.0	One per event	Grab	EFF-4
Solids, Total Suspended (mg/l)	30.0	100.0	One per event	Grab	EFF-4
Copper, Total Recoverable (µg/l)	N/A	2.9	One per event	Grab	EFF-4
Iron, Total Recoverable (mg/l)	N/A	0.3	One per event	Grab	EFF-4
Phosphorus, Total (as P) (ug/l)	N/A	Report	One per event	Grab	EFF-4
pH (su)	See I.A.2.b	N/A	One per event	Grab	EFF-4

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

Sample Point	Description of Monitoring Location
EFF-3	Boiler cycle blowdown log.
EFF-4	Sample sink, or hotwell of Units 1 through 6.

- b. The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units and shall be monitored once per event during boiler cycle discharge, by a grab sample.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- d. The discharge shall not cause a visible sheen on the receiving water.
- e. Sampling will not be required if there is no discharge to surface waters.
- f. After one year of data collection, the permittee may request by permit revision a reduction in boiler cycle blowdown 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).

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PERMIT NUMBER FL0000809
 ISSUANCE DATE. January 26, 2001
 EXPIRATION DATE. January 24, 2006

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from **INTERNAL OUTFALLS I-037, I-038 AND I-039, STORAGE TANK BLOWDOWN** from **TANK-1, TANK-2, AND TANK-3**, respectively, to Hillsborough Bay via a common discharge flume. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (mgd)	Report	20	--	Continuous during discharge	Calculated based on Tank Levels (see item a below)	EFF-6,7,8
Length of Discharge (hours)	Report	Report	--	Daily	N/A	EFF-6,7,8
Dilution Ratio	N/A	--	250.1	Daily	Calculated (see item b below)	N/A
Oil and Grease, hexane extr method (mg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Solids, Total Suspended (mg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Copper, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Iron, Total Recoverable (mg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Lead, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Nickel, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Selenium, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Thallium, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8
Zinc, Total Recoverable (µg/l)	Report	Report	--	Weekly	Grab	EFF-6,7,8

- a. The total flow rate used to determine compliance with the monitoring requirements above shall be calculated as the total volume discharged by all three tanks divided by the time of discharge.
- b. The Dilution Ratio shall be calculated using the sum of the daily average flows of once-through, cooling water through Units 1-6 and the total flow from tanks 1, 2 and 3."

PERMITTEE.

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- c. The maximum discharge from this Outfall is limited to 45 million gallons. The permittee shall notify the Department in writing when this discharge is complete.
- d. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.3 and as described below:

Sample Point	Description of Monitoring Location
EFF-6,7,8	Outlet valve of Tank-1, Tank-2, and Tank-3, respectively.

B. Underground Injection Control Systems

This section is not applicable to this facility.

C. Land Application Systems

See Permit Number FLA184713, effective November 24, 1999 for ground water discharges.

D. Other Methods of Disposal or Recycling

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

E. Other Limitations and Monitoring and Reporting Requirements

- 1. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s)(DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

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

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The DMR form(s) shall be submitted as specified above with the no discharge indicator box checked or the statement "No Discharge" written thereon. If, during the term of this permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

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2. 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, as appropriate, the Southwest District Office of the Department at the address specified below:

Florida Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33618-8318
Phone Number – (813) 744-6100

3. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
4. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code.
5. 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.
6. 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.
7. 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.

PERMITTEE

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- 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 major 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.

- 12. There shall be no discharges to waters of the U.S. of low volume wastes including but not limited to wet scrubber air pollution control systems, ion exchange water treatment system, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, and slag sluice systems; any non-chemical or chemical metal cleaning wastes means any wastewater resulting from cleaning [with or without chemical cleaning compounds] any metal processing equipment including but not limited to boiler tube cleaning, boiler fireside cleaning and air preheater cleaning; storm water runoff from plant construction (except were authorized by permit), oil storage areas, coal pile(s), fly ash/bottom ash storage or disposal areas (excluding that from rainfall events exceeding the 10-year 24-hour storm event); fly ash and/or bottom ash transport water; or cooling tower blowdown.
- 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 United States is prohibited, unless specifically authorized elsewhere in this permit.
- 14. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
- 15. Discharge of uncontaminated storm water, intake screen backwash water, turbine oil cooler water, other non-contact water and hydrogen generator cooler water is permitted without limitations or monitoring requirements, except that there shall be no discharge of floating oil.
- 16. 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.
- 17. Monitoring requirements specified in Section I.A of this permit shall begin on the first day of the next month after the permit issuance date.
- 18. The permittee is authorized to discharge storm water from the diked petroleum storage or handling areas, provided the following conditions are met:

Such discharges shall be limited and monitored by the permittee as specified below:

- (1.) The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) plan pursuant to 40 CFR Part 112.

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- (2.) In draining the diked area, a portable oil skimmer or similar device or absorbant material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
- (3.) Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum.
 - a. date and time of discharge;
 - b. Estimated volume of discharge;
 - c. Initials of the person making visual inspection and authorizing discharge; and
 - d. Observed conditions of the storm water discharged.
- (4.) There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil sheen at any time.

Any water drained from the fuel oil storage tanks or other water which meets the definition of "Petroleum Contact Water" as defined in F.A.C. Rule 62-740.030(1) shall be disposed of at a Department approved facility in accordance with F.A.C. Chapter 62-740.

19. The permittee shall develop a Plan of Study to be submitted six month from the permit issuance date to provide necessary data and information in order to determine if the previous 316(a) determination for the Gannon Station (see temperature limits specified in section I.A.1 of this permit) is still appropriate to ensure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife within the primary area of study. The Study Plan and primary area of study shall be in conformance with the EPA "Draft Interagency 316(a) Technical Guidance Manual and Guide for Thermal Effects Section of Nuclear Facilities Environmental Impact Statements" (dated May 1, 1977).
20. The permittee, insofar as required to comply with Tasks 25 and 251 of the U.S. Fish and Wildlife Service (FWS) "Florida Manatee Recovery Plan," shall develop a plan and procedures addressing potential manatee impacts. However, if the permittee determines that this facility is not an important warm water aggregation site for manatees in accordance with Tasks 25 and 251 of the FWS "Florida Manatee Recovery Plan," the permittee shall state so in writing, and include the basis for this determination in a document to be filed with DEP and FWS by no later than 60 days after the effective date of this permit. DEP shall consult with the FWS and, no later than 60 days after receipt of any written determination from the permittee, issue an administrative decision, subject to Chapter 120, F.S., as whether a manatee protection plan and associated procedures are required. All plans, if required, shall include an implementation schedule and address, at a minimum:
 - (a) plans to minimize disruption to warm-water outflows during the winter and response procedures in case of disruptions.
 - (b) strategy to maintain discharge temperatures that will sustain manatees during cold events,
 - (c) plan to monitor ambient and discharge water temperatures.
 - (d) precautions to minimize hazards to manatees at intake and outfall areas.
 - (e) timely communication to manatee recovery program personnel of any long term changes in the availability of warm water.

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The plan shall be developed and submitted to DEP and FWS within six (6) months from the issuance date of this permit, or DEP's administrative determination, if applicable. DEP shall review the plan within 60 days of its receipt and shall, in writing, either approve the plan or notify the permittee of deficiencies that must be corrected. The permittee shall either make such corrections and re-submit the plan within 60 days of DEP's notification or file a petition for formal or informal administrative proceeding, pursuant to Chapter 120, F.S., and chapter 62-103, Florida Administrative Code, if it disagrees with or otherwise disputes DEP's determination. The petition must conform with the requirements of rule 62-103.155, F.A.C., and must be received by DEP's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty-one (21) days after receipt of written notice for DEP. Failure to file a petition within this time period shall constitute a waiver by the permittee of its right to request an administrative proceeding under chapter 120, F.S. The plan shall be implemented according to the proposed schedule upon expiration of the 21-day time period following DEP's determination if no petition is filed, or DEP's final order entered after any administrative hearing held pursuant to this paragraph.

Copies of the final plan shall be maintained at the plant site and submitted to DEP and to the FWS at the following address.

U.S. Fish and Wildlife Service
6620 Southport Drive, South
Suite 310
Jacksonville, FL 32216
Attention: Jim Valade

II. Industrial Sludge Management Requirements

See Permit Number FLA184713, effective November 24, 1999.

III. Ground Water Monitoring Requirements

See Permit Number FLA184713, effective November 24, 1999.

IV. Other Land Application Requirements

See Permit Number FLA184713, effective November 24, 1999.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. 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 appropriate for those facilities.

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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 1. and 6. 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. A Best Management Practices (BMP) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Update BMP Plan	Issuance Date of Permit + 3 months
2	Implement BMP Plan	Issuance Date of Permit + 6 months

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

Operational level attained.....Issuance Date of permit
3. Section 316(a) Thermal Variance Re-certification Studies (see Condition I.E.19)
 - a. Submit Plan of Study..... Issuance Date of Permit + 6 months
 - b. Commence Study.....No later than 12 months from the Final Study Plan Approval Date

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4. 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 later case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

This permit is being issued in conjunction with Administrative Order AO008TL which sets forth schedules for the parameters copper, total nitrogen, and total phosphorus.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. 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.
2. 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.
3. If significant historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301.
4. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-600, F.A.C., and that an appropriate operation and maintenance manual pursuant to Chapter 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. [62-620.630(7)]

B. 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.

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C. Reopener Clause

1. The permit shall be modified, or alternatively, revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(23)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standard or limitation 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 modified or reissued under this paragraph shall contain any other requirements of the Act then applicable.
2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future wasteload allocation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

D. Specific Conditions Related to Best Management Practices

1. Best Management Practices Plan :

In accordance with Rule 62-620.620(1)(n), the permittee shall develop and implement a Best Management Practices incorporating pollution prevention measures. References which may be used in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act", found at 40 CFR Section 122.44(k), the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

2. Definitions:

- a. The term "pollutants" refers to conventional, non-conventional and toxic pollutants, as appropriate for the NPDES storm water program and toxic pollutants.
- b. Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- c. Non-conventional pollutants are those which are not defined as conventional or toxic, such as phosphorus, nitrogen or ammonia. (Ref: 40 CFR Part 122, Appendix D, Table IV)
- d. For purposes of this part, 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, and b) any substance (that is not also a conventional or non-conventional pollutant) for which EPA has published an acute or chronic toxicity criterion, or that is a pesticide regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- e. "Pollution prevention" refers to the first category of EPA's preferred hazardous waste management strategy - source reduction.
- f. "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.

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- g. "Source reduction" means any practice which: i) reduces the amount of any pollutant entering a waste stream prior to recycling, treatment or disposal; and ii) 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, 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.
 - h. "BMP3" means a Best Management Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
 - i. "Reportable Quantity (RQ) Discharge" A RQ release occurs when a quantity of a hazardous substance or oil is spilled or released within a 24-hour period of time and exceeds the RQ level assigned to that substance under CERCLA or the Clean Water Act. These levels or quantities are defined in terms of gallons or pounds. Regulations listing these quantities are contained at 40 CFR 302.4, 40 CFR 117.21 and 40 CFR 110.
 - j. The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.
3. 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. The plan shall be directed toward reducing those pollutants of concern which discharge, or could discharge, to surface waters to 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 and significant materials, 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 storm water, water and waste treatment, and plant ancillary activities.

In addition, the BMP3 plan shall include procedures to be implemented by the facility to minimize and monitor losses that may occur during operation of the condenser tube cleaning system. At a minimum, the plan shall include provisions for:

- a) Cleaning device losses and recovery for each cleaning event.
- b) Replacement of worn cleaning devices.
- c) Notification pursuant to Section I.B.3. if there is an occurrence of any significant cleaning device loss events to include the date and approximated number of balls discharged.

The above documentation shall be kept on file at the facility for a minimum of at least three years from the date of preparation pursuant to Section II.B.1.

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4. Signatory Authority & Management Responsibilities:

A copy of the BMP3 plan shall be retained at the facility and shall be made available to the permit issuing authority 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. The BMP3 plan shall be signed and reviewed by the plant management.

5. BMP3 Plan Requirements:

The following requirements may be incorporated by reference from existing facility procedures:

- a. Name and description of facility
- b. A site map - At a minimum the site map must include information of the following: discharge points ("outfalls"); drainage patterns; identification of the types of pollutants likely to be discharged from each drainage area; direction of flow; surface water bodies, including any proximate stream, river, lake, or other waterbody receiving storm water discharge from the site; structural control measures (physically constructed features used to control storm water flows); locations of "significant materials" exposed to storm water; locations of industrial activities (such as fueling stations, loading and unloading areas, vehicle or equipment maintenance areas, waste disposal areas, storage areas).
- c. A materials inventory including the types of materials that are handled, stored, or processed onsite, particularly significant materials. To complete the materials inventory, the permittee must list materials that have been exposed to storm water in the past 3 years (focus on areas where materials are stored, processed, transported, or transferred and provide a narrative description of methods and location of storage and disposal areas, materials management practices, treatment practices, and any structural/nonstructural control measures.
- d. A list of significant spills and leaks of toxic or hazardous materials that have occurred in the past 3 years. "Significant spills" includes releases in excess of reportable quantities.
- e. A summary of any existing storm water sampling data and a description of the sample collection procedures used.
- f. A site evaluation summary - The Site Evaluation Summary should provide a narrative description of activities with a high potential to contaminate storm water at the site, including those associated with materials loading and unloading, outdoor storage, outdoor manufacturing or processing, onsite disposal, and significant dust or particulate generating activities. The summary should also include a description of any pollutants of concern that may be associated with such activities.
- g. A narrative description of the following BMP's:
 - (i) - Good Housekeeping Practices
 - (ii) - Preventive Maintenance The permittee must develop a preventive maintenance program that involves

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inspections and maintenance of storm water management devices and routine inspections of facility operations to detect faulty equipment. Equipment (such as tanks, containers, and drums) should be checked regularly for signs of deterioration.

- (iii) - Visual Inspections Regular inspections shall be performed by qualified, trained plant personnel. Reports shall note when inspections were done, the name of the person who conducted the inspection, which areas were inspected, what problems were found, and what steps were taken to correct any problems.
- (iv) - Spill Prevention and Responses Areas where spills are likely to occur and their drainage points must be clearly identified in the BMP3 plan. Employees shall be made aware of response procedures, including material handling and storage requirements, and should have access to appropriate cleanup equipment.
- (v) - Sediment and Erosion Control The BMP3 must identify activities that present a potential for significant soil erosion and measures taken to control such erosion.
- (vi) - Management of Runoff The permittee must describe existing storm water controls found at the facility and any additional measures that can be implemented to improve the prevention and control of polluted storm water. Examples include: vegetative swales, reuse of collected storm water, infiltration trenches, and detention ponds.

6. Best Management Practices & Pollution Prevention Committee:

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, implementing, monitoring of success, and revision of the BMP3 plan. 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.

7. Employee Training:

Employee training programs shall inform appropriate personnel 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, recordkeeping and reporting, spill prevention & response, as well as specific waste reduction practices to be employed. The plan shall identify periodic dates for such training.

8. Plan Review & Modification:

If following review by the Permit Issuing Authority, or authorized representative, the BMP3 plan is determined insufficient, he/she may notify the permittee that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Permit Issuing Authority, or authorized representative, the permittee shall amend the plan and shall submit to the Permit Issuing Authority a written certification that the requested changes have been made. The permittee shall have 30 days after such notification to make the necessary changes. A longer period of time may be granted by the Permit Issuing Authority if warranted due to the complexity of the change.

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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 surface 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 Permit Issuing Authority in the same manner as described above.

9. Annual Site Compliance Evaluation:

Qualified personnel must conduct site compliance evaluations at appropriate intervals, but at least once a year. Compliance evaluations shall include:

- a. inspection of storm water drainage areas for evidence of pollutants entering the drainage system;
- b. evaluation of the effectiveness of BMP's;
- c. observations of structural measures, sediment controls, and other storm water BMP's to ensure proper operation;
- d. revision of the plan as needed within 2 weeks of the inspection, and implementation of any necessary changes within 12 weeks of the inspection; and
- e. preparation of a report summarizing inspection results and follow-up actions, identifying the date of inspection and personnel who conducted the inspection.

The inspection report shall be signed by the plant environmental engineering staff and plant management and kept with the BMP3 plan.

10. Recordkeeping and Internal Reporting:

For at least one year after the expiration of this permit, the permittee shall record and maintain records of spills, leaks, inspections, and maintenance activities. For spills and leaks, records should include information such as the date and time of the incident, weather conditions, cause, and resulting environmental problems.

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.

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- 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.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, 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 deviations 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 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.]*

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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.]*
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 transfer is approved by the Department. *[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.]*

PERMITTEE.

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16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 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) 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, Chapter 62-160 and 62-601, F.A.C. and 40CFR 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 for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
 - e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.[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 any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 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:

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- 1) Any unanticipated bypass which causes any reclaimed water or the 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. 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 shall waive the written report.
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.]
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.]

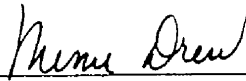
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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



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Director
Division of Water Resource Management
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