

Robert L. McGee, Jr.
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FPSC - COMMISSION CLERK



October 28, 2015

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0850

RE: Docket No. 150007-EI

Dear Ms. Stauffer:

Attached for official filing in the above-referenced docket is Gulf Power Company's Motion for Official Recognition.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. McGee, Jr." in a cursive style.

Robert L. McGee, Jr.

md

Attachments

cc: Beggs & Lane
Jeffrey A. Stone, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No. 150007-EI

Date: October 28, 2015

GULF POWER COMPANY'S
MOTION FOR OFFICIAL RECOGNITION

Gulf Power Company, pursuant to Section 120.569(2)(i), F.S., Rule 28-106.213(6), F.A.C. and Order No. PSC-15-0096-PCO-EI, hereby requests that the Florida Public Service Commission ("Commission") take official recognition of the documents identified below.

1. This matter is scheduled for evidentiary hearing on November 2-5, 2015. Pursuant to the Commission's Order Establishing Procedure, Order No. PSC-15-0096-PCO-EI, Gulf hereby provides notice in writing to all parties and Commission staff no later than two business days prior to the first scheduled hearing date that it seeks official recognition of certain materials published by the Florida Department of Environmental Protection ("FDEP") and the United States District Court for the Northern District of Florida.

2. Specifically, Gulf seeks official recognition of the 2005 State of Florida Industrial Wastewater Facility Permit No. FL0002283 (dated July 6, 2005), the 2010 State of Florida Industrial Wastewater Facility Permit No. FL0002283 (dated September 24, 2010) and the 2015 State of Florida Industrial Wastewater Facility Permit No. FL0002283 (dated October 20, 2015) (collectively referred to hereafter as the "Permits") each issued by the FDEP under provisions of Chapter 40, Florida Statutes. These Permits are commonly referred to as National Pollutant Discharge Elimination System (NPDES) permits for Plant Scholz. Gulf also seeks official recognition of a document in the record of the United States District Court for the Northern

District of Florida in case number 4:14cv00268-MW/CAS. This document is a letter from the U.S. Department of Justice to the Court filed on August 10, 2015 which is referenced as document 72 by that court (hereafter the “DOJ Letter”). A copy of each of the permits and the DOJ Letter are attached hereto as “Exhibit A” and will be contemporaneously served on all parties.

3. Pursuant to Sections 90.201-.203, F.S. and Rule 28-106.213, F.A.C., the materials Identified by Gulf are matters that the Commission may officially recognize.

a. The Commission may officially recognize each of the Permits pursuant to Section 90.202(5) (“A Court may take judicial notice of . . . [o]fficial actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States. *See also* Rule 28-106.213(6), F.A.C. (Requests for official recognition shall be . . . considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.”).

b. The Commission may also officially recognize each of the Permits pursuant to Section 90.203(12) (A Court may take judicial notice of . . . Facts that are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned.”). *See also* Rule 28-106.213(6), F.A.C. (Requests for official recognition shall be . . . considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S. The State of Florida Industrial Wastewater Facility Permit No. FL0002283 for 2015 is found on FDEP’s publically available web portal “OCULUS” at the following link:

[http://depedms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&\[guid=38.433276.1\]&\[profile=Permitting_Authorization](http://depedms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=38.433276.1]&[profile=Permitting_Authorization) by logging into the system as a public user. The 2005 and 2010 permits are also

readily accessible on OCULAS. Parties thus have ready electronic access to the Permits to confirm their accuracy.

c. The Commission may officially recognize the DOJ Letter pursuant to Section 90.202(6) ("A Court may take judicial notice of . . . [r]ecords of any court of this state or of any court of record of the United States or of any state, territory, or jurisdiction of the United States). *See also* Rule 28-106.213(6), F.A.C. (Requests for official recognition shall be . . . considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S

4. The identified documents will assist the Commission and all parties with facts relevant to Issue 11A in this docket.

5. Gulf contacted all parties in this docket via email to inquire whether the parties have any objection to Gulf's motion. Counsel for Duke Energy Florida, Tampa Electric Co., and the Office of Public Counsel have advised that they have no objection. Gulf has not heard back from counsel for any other party.

WHEREFORE, for the reasons stated above, Gulf requests that the Commission take official recognition of the 2005, 2010 and 2015 State of Florida Industrial Wastewater Facility Permits No. FL0002283 and the DOJ Letter.

Respectfully submitted this 28th day of October, 2015.



JEFFREY A. STONE

Florida Bar No: 325953

RUSSELL A. BADDERS

Florida Bar No: 007455

STEVEN R. GRIFFIN

Florida Bar No.: 0627569

Beggs & Lane

P.O. Box 12095

Pensacola, FL 32591

(850)432-2451

Attorneys for Gulf Power Company

ATTACHMENT A



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

2.4.1
received
7/7/05

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

"More Protection, Less Process"

Printed on recycled paper.

FILING AND ACKNOWLEDGMENT

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

G. 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.

G. 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.

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 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

Administrative Order No. AO014TL
GPC Scholz Power Plant
Permit FL0002283

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 _____ day of _____ 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

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.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER: FL0002283-003-IW1S

Issuance date: July 1, 2005
Expiration date: June 30, 2010

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.

PERMITTEE:

PERMIT NUMBER: FL0002283-003-IW1S

Gulf Power Company
 One Energy Place
 Pensacola, FL 32520

Issuance date: July 1, 2005
 Expiration date: June 30, 2010

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.

PERMITTEE:

PERMIT NUMBER: FL0002283-003-IW1S

Gulf Power Company
 One Energy Place
 Pensacola, FL 32520

Issuance date: July 1, 2005
 Expiration date: June 30, 2010

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.

PERMITTEE:

PERMIT NUMBER: FL0002283-003-IW1S

Gulf Power Company
One Energy Place
Pensacola, FL 32520

Issuance date: July 1, 2005
Expiration date: June 30, 2010

- 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.

PERMITTEE:

PERMIT NUMBER: FL0002283-003-IW1S

Gulf Power Company
One Energy Place
Pensacola, FL 32520

Issuance date: July 1, 2005
Expiration date: June 30, 2010

- 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 1 – June 30 July 1 – September 30	April 28 July 28 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

- 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.)

- All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
- The permittee shall provide safe access points for obtaining representative samples, which are required by this permit.
- 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.
- 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.
- In accordance with 40 CFR Part 423.12 (b)(2) there shall be no discharge of polychlorinated biphenyl compounds.
- 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 erodible 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
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- 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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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



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



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

NOTICE OF PERMIT

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Gulf Power Company
James O. Vick
One Energy Place
Pensacola, FL 32520-1

File Number FL0002283-004-IW1S
Jackson County
Gulf Power Company – Scholz Electric Generating Plant

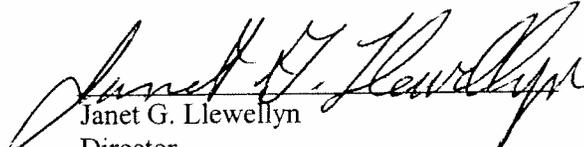
Enclosed is Permit Number FL0002283 to operate the Scholz Electric Generating Plant, issued under Chapter 403, Florida Statutes.

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.

Any party to this order (permit) has the right to seek judicial review of the permit action 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, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when this document is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Janet G. Lewellyn
Director

Division of Water Resources Management
2600 Blair Stone Road
Tallahassee, Florida 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 09-24-10
[Clerk] [Date]

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on 09-24-10 to the listed persons.

S. Shields
Name

09-24-10
Date

Enclosure

Certified copies furnished to:

Mark Nuhfer, NPDES Permitting Section, EPA Region 4, Atlanta, GA
Susan Kennedy, Q.E.P., Gulf Power Company
Mike Markey, Gulf Power Company

Copies furnished by intradepartmental mail to:

Mike Halpin, P.E., DEP Tallahassee
Justin Wolfe, Esq., DEP Tallahassee
Bill Armstrong, P.E., DEP Pensacola



**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:
Gulf Power Company

PERMIT NUMBER: FL0002283-004 (Major)
FILE NUMBER: FL0002283-004-IW1S
ISSUANCE DATE: September 23, 2010
EXPIRATION DATE: September 22, 2015

RESPONSIBLE OFFICIAL:
James O. Vick
One Energy Place
Pensacola, Florida 32520
(850) 444-6429

FACILITY:

Scholz Electric Generating 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. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

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 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.

REUSE OR DISPOSAL:

Surface Water Discharge D-001: An existing 129.6 MGD maximum permitted discharge to Apalachicola River, Class III Fresh Waters, (WBID# 375G). The point of discharge is located approximately at latitude 30°39' 59" N, longitude 84°53' 12" W.

Internal Outfall I-012: An existing permitted discharge to the discharge canal from the ash pond.

Internal Outfall I-013: An existing permitted discharge to the on-site ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 24 of this permit.

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-001 (COMBINED PLANT DISCHARGE) to Apalachicola River. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Effluent Limitations			Monitoring Requirements			
		Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Daily; 24 hours	Calculated	EFF-2	
Temperature (F), Water (Intake)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	INT-1	
Temperature (F), Water (Discharge)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	EFF-1	See I.A.6
pH	s.u.	Min Max	6.0 8.5	Daily Minimum Daily Maximum	Weekly	Grab	EFF-2	See I.A.12
Oil and Grease	mg/L	Max Max	5.0 5.0	Daily Maximum Monthly Average	Quarterly	Grab	EFF-2	
Chlorine, Total Residual	mg/L	Max Max	0.01 0.01	Daily Maximum Monthly Average	Weekly	Multiple Grabs ¹	EFF-2	See I.A.7
Chlorination Duration	min	Max	120	Daily Maximum	Weekly	Calculated	EFF-2	
Copper, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Cadmium, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Lead, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Iron, Total Recoverable	mg/L	Max Max	1.0 1.0	Daily Maximum Monthly Average	Annually	24-hr TPC	EFF-2, INT-1	See I.A.5
Mercury, Total Recoverable	ug/L	Max	Report	Daily Maximum	Annually	24-hr TPC	EFF-2, INT-1	
Hardness, Total (as CaCO ₃)	mg/L	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4
Nitrogen, Ammonia, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Nitrogen, Kjeldahl, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Nitrite plus Nitrate, Total 1 det. (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Nitrogen, Total	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Phosphorus, Total (as P)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Phosphate, Ortho (as PO ₄)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Chronic Whole Effluent Toxicity, 7-Day IC25 (Ceriodaphnia dubia)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.13

¹ 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.

² Whole effluent toxicity testing shall be completed during the period of chlorination of the once-through cooling water.

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Chronic Whole Effluent Toxicity, 7-Day IC25 (Pimephales promelas)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.13

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

Monitoring Site Number	Description of Monitoring Site
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 condenser outlet.

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
4. The limit for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable" shall be calculated using the following equation(s):

$$\text{Cu} \leq e^{(0.8545[\ln H]-1.702)}$$

$$\text{Cd} \leq e^{(0.7409[\ln H]-4.719)}$$

$$\text{Pb} \leq e^{(1.273[\ln H]-4.705)}$$

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L.

The measured effluent value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (effluent)." The calculated effluent limit shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (calculated limit)." Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (effluent minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(23), 62-302.530(15), and 62-302.530(39)]

5. 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.
6. Discharge from Outfall D-001 is subject to the requirements of Rule 62-302.520(1), F.A.C.
7. Limitations and monitoring requirements for total residual chlorine are not applicable for time periods in which once-through condenser cooling water is not chlorinated.

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8. 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.
9. The permittee shall maintain the current intake through-screen velocity such that the existing maximum velocity is not exceeded. *[C.W.A. 316(b)]*
10. The permittee shall maintain current traveling screen practices at Units 1 and 2 so as to assure that the screens are cycled twice during each 24 hours of continuous operation unless precluded by repair/maintenance requirements. *[C.W.A. 316(b)]*
11. The permittee shall develop a plan in accordance with the schedule in Condition VII.3 to help return live fish, shellfish, and other aquatic organisms collected or trapped on the intake screens to their natural habitat. Other material shall be removed from the intake screens and disposed of in accordance with all existing Federal, State and/or Local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters. *[C.W.A. 316(b)]*
12. After 24 months of monitoring for nutrients, the permittee may request through a permit revision for a reduction of the monitoring requirement.
13. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-001.
 - a. Effluent Limitation
 - (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. *[Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]*
 - (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. *[Rules 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]*
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
 - (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above.
 - (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-013, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
 - c. Sampling Requirements
 - (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-013, Section 8.
 - (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) Samples for routine and additional follow-up tests shall not be collected on the same day.
 - d. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: 100%, 50%, 25%, 12.5%, and 6.25% final effluent.

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- (2) The permittee shall conduct a daphnid, **Ceriodaphnia dubia**, Survival and Reproduction Test and a fathead minnow, **Pimephales promelas**, Larval Survival and Growth Test, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4th Edition, EPA-821-R-02-013. 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 above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.
 - (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-013, Section 7.2.3.
- e. Quality Assurance Requirements
- (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-013, Section 13.12 (**Ceriodaphnia dubia**) and Section 11.11 (**Pimephales promelas**). The repeat test shall begin within 21 days after the last day of the invalid test.
 - (3) If 100% mortality occurs in all effluent concentrations for either test species prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
 - (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-013, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.
- f. Reporting Requirements
- (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.
 - (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-013, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
 - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-013, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.
 - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
 - (5) The same bioassay data shall not be reported as the results of more than one test.
 - (6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32502-5794
- g. Test Failures
- (1) A test fails when the test results do not meet the limits in 13.a.(1).
 - (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the chronic toxicity limitation in 13.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 13.d.

- (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
- (c) 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% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be analyzed according to the procedures in EPA-821-R-02-013.
- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
 - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 13.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 13.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-013, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
 - (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 13.(a)(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
- (5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity failures.

[62-4.241, 62-620.620(3)]

B. Internal Outfalls

- 1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater from I-012 (ASH POND DISCHARGE) to discharge canal. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max	Report	Daily Average	Weekly	Calculated	OUI-3	
Solids, Total Suspended	mg/L	Max Max	30 100	Monthly Average Daily Maximum	Weekly	24-hr TPC	OUI-3	

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Parameter	Units	Max/Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Oil and Grease	mg/L	Max Max	15 20	Monthly Average Daily Maximum	Bi-weekly; every 2 weeks	Grab	OUI-3	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Weekly	Grab	OUI-3	
Nickel, Total Recoverable	ug/L	Max	Report	Instantaneous Maximum	Annually	Grab	OUI-3	

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-3	The point of discharge at the ash pond discharge weir.

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge domestic treatment plant wastewater from I-013 (DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT) to the ash pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Max/Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Weekly	Meter	OUI-4	
Biochemical Oxygen Demand-5	mg/L	Max Max	30.0 60.0	Monthly Average Daily Maximum	Quarterly	Grab	OUI-4	
Solids, Total Suspended	mg/L	Max Max	30.0 60.0	Monthly Average Daily Maximum	Quarterly	Grab	OUI-4	
Coliform, Fecal	#/100mL	Max	See I.B.6		Quarterly	Grab	OUI-4	See I.B.6

4. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.3. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-4	The point of discharge at the wastewater treatment outlet box.

5. 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.

6. The arithmetic mean of the monthly fecal coliform values collected during an annual period, as described in subparagraph 62-600.740(1)(a)1., F.A.C., shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile) during a period of 30 consecutive days shall exceed 400 fecal Coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. *Note:* To report the value of the sample that corresponds to the 90th percentile value, list the fecal Coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal number for the 27th value of ascending order.

[62-600.440(4)(c)]

C. 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 conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and 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 quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. 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 MDL 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 an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - c. If the MDLs 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 MDL shall be used.

When 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.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. 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. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]
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 Department 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	Due Date
Monthly	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
	October 1 - December 31	January 28
Semiannual	January 1 - June 30	July 28
	July 1 - December 30	January 28
Annual	January 1 - December 31	January 28

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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 by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

[62-620.610(18)]

4. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Northwest District Office at the address specified below:

Florida Department of Environmental Protection
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.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. Any bypass of the treatment facility which is not included in the monitoring specified in Sections I.A and I.B., 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.
8. There shall be no discharge of polychlorinated biphenyl compounds. [40 CFR Part 423.12(b)(2)]
9. 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 in the cooling system (except 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:
- Name and general composition of biocide or chemical
 - Frequencies of use
 - Quantities to be used
 - Proposed effluent concentrations
 - Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA-821-R-02-012 EP entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
 - Product data sheet

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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.

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 and 40 CFR Part 266, via the ash pond shall be an authorized discharge of this permit.
11. Metals concentrations shall be reported and expressed as the total recoverable fraction. *[62-302.500(2)(d) and 62-620.620(2)(c)1, F.A.C.]*
12. 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.
13. The permittee is authorized to use the following chemicals and biocides in the Units 1 and 2 cooling water systems and other wastewater streams:

Chemical Name	System Used
Ammonium Hydroxide	Boiler Water System
Hydrazine	Boiler Water System
Calcium hypochlorite	Once-through cooling water system

II. SLUDGE AND RESIDUALS MANAGEMENT REQUIREMENTS

A. Domestic Residuals Management Requirements

1. The method of residuals use or disposal by this facility is transport to a residuals management facility (RMF). Transportation of the residuals to an alternative RMF does not require a permit modification. However, use of an alternative RMF requires the submittal of a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the residuals. *[62-620.320(6), 62-640.880(1)]*
2. The permittee shall be responsible for proper management or disposal of its residuals. *[62-640.300(5)]*
3. The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted RMF which the source facility has an agreement with in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. *[62-640.300(5)]*
4. Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. *[62-640.100(6)(k)3 & 4]*
5. The permittee shall keep hauling records to track the transport of its residuals to the RMF. The hauling records shall contain the following information:

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- Source Facility
1. Date and Time Shipped
 2. Amount of Residuals Shipped
 3. Degree of Treatment (if applicable)
 4. Name and ID Number of Residuals Management Facility or Treatment Facility
 5. Signature of Responsible Party at Source Facility
 6. Signature of Hauler and Name of Hauling Firm

- Residuals Management Facility
1. Date and Time Received
 2. Amount of Residuals Received
 3. Name and ID Number of Source Facility
 4. Signature of Hauler
 5. Signature of Responsible Party at Residuals Management Facility

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4)]

7. Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department if the storage lasts longer than 30 days. [62-640.300(4)]

B. Industrial Sludge Management Requirements

1. The permittee shall be responsible for proper treatment, management, use or land application of its sludges.
2. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
3. The permittee shall keep records of the amount of sludge disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
 - a. Name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. Name and location of the site of disposal, treatment or incineration;
 - c. Name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. GROUND WATER REQUIREMENTS

1. 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 62-520, F.A.C.
2. The following monitoring wells shall be sampled for the ground water discharge:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Depth (Feet)	Aquifer Monitored	New or Existing
		°	'	"	°	'	"			
MWB-205	MW-205MD	30	40	18	84	53	35	-	Floridan	Existing
MWB-2051	MW-205S	30	40	18	84	53	35	-	Surficial	Existing
MWC-2	WSW-2	30	40	19	84	53	17	-	Floridan	Existing
MWC-203	MW-203MD	30	39	59	84	53	15	-	Floridan	Existing
MWC-204	MW-204MD	30	39	57	84	53	28	-	Floridan	Existing
MWC-210	MW-210MD	30	40	6	84	53	14	-	Floridan	Existing
MWC-212	MW-212MD	30	39	55	84	53	22	-	Floridan	Existing
MWC-2031	MW-203S	30	39	59	84	53	15	-	Surficial	Existing
MWI-204S	MWI-204S, Intermediate	30	39	57	84	53	28	-	Surficial	Existing

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Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Depth (Feet)	Aquifer Monitored	New or Existing
		°	'	"	°	'	"			
MWI-210S	MWI-210S, Intermediate	30	40	6	84	53	14	-	Surficial	Existing
MWP-103	MW-103; Monitoring Piezometer well.	30	39	59	84	53	15	-	Floridan	Existing
MWP-105	MW-105; Monitoring Piezometer well.	30	40	17	84	53	35	-	Floridan	Existing
MWP-110	MW-110A; Monitoring Piezometer well.	30	40	7	84	53	13	-	Floridan	Existing
MWP-112	MW-112; Monitoring Piezometer well.	30	39	55	84	53	22	-	Floridan	Existing

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

[62-520.600]

- The following parameters shall be analyzed for each monitoring well identified in Permit Condition III.2. Results shall be reported on the permittee's Discharge Monitoring Report in accordance with Condition I.C.3.:

Parameter	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	ft	In Situ	Annually
pH	Report	s.u.	Grab	Annually
Specific Conductance	Report	umhos/cm	Grab	Annually
Aluminum, Total Recoverable	Report	mg/L	Grab	Annually
Arsenic, Total Recoverable	Report	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
Solids, Total Dissolved (TDS)	Report	mg/L	Grab	Annually
Alpha, Gross Particle Activity	15	pCi/L	Grab	Once Every 5 Years
Radium 226 + Radium 228, Total	5	pCi/L	Grab	Once Every 5 Years

For piezometers, monitoring and reporting is required only for water level information.

[62-520.600(11)(b)]

- The zone of discharge for the ash pond shall extend horizontally along the ground surface to the facility's property line and vertically from the land surface to the base of the surficial aquifer. [62-520.200(26)] [62-520.465]
- A complete sampling record shall be provided for each monitoring 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.
- When Gross Alpha Particle Activity is detected above 5.0 pCi/L, then combined Radium 226 and 228 shall be tested and reported.
- In the event the 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 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.
- 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

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submittal. The report shall be submitted by a qualified professional and shall contain the following items at a minimum:

- a. Tables and graphs of water quality data, including hydrographs, for all monitoring wells. Rainfall data should be included with the hydrographs.
 - b. A comparison of water quality results between background well and downgradient wells.
 - c. A summary of all violations of applicable water quality standards.
 - d. Ground water contour maps for each sampling event.
 - e. A discussion of any data that is thought to be inconsistent or suspect.
 - f. 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 ground water minimum criteria specified in Rule 62-520.400 F.A.C., shall be met within the zone of discharge. *[62-520.400 and 62-520.420(4)]*
 11. If the concentration for any constituent listed in Condition III.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 background quality shall be the prevailing standard. *[62-520.420(2)]*
 12. Water levels shall be recorded before evacuating each well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NAVD allowable) at a precision of plus or minus 0.01 foot. *[62-520.600(11)(c)]*
 13. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples. *[62-160.210]*
 14. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northwest District Office as being more representative of ground water conditions. *[62-520.310(5)]*
 15. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department's Northwest District Office immediately and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence. All monitoring well design and replacement shall be approved by the Department's Northwest District Office prior to installation. *[62-520.600][62-620.320(6)]*
 16. All piezometers and monitoring 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 future use is intended. *[62-532.500(4)]*
 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.
 18. Ground water monitoring test results shall be submitted on Part D of Form 62-620.910(10) in accordance with Condition I.C.3. *[62-520.600(11)(b)]*

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

1. When the three-month average daily flow for the most recent three consecutive months exceeds 50 percent of the permitted capacity of the treatment plant or reuse and disposal systems, the permittee shall submit to the Department a capacity analysis report. This initial capacity analysis report shall be submitted within 180 days after the last day of the last month of the three-month period referenced above. The capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. *[62-600.405(4)]*

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2. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1)]

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The on-site domestic facility shall have a Class D or higher operator 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator for the domestic facility must be a Class D operator, or higher.
3. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - 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 required by the permit for at least three years from the date the report was prepared;
 - 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;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings; and
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule.

Action Item	Completion Date
1. Domestic Wastewater Plant Operator Certification	Issuance Date of Permit + 6 months

[62-620.320(6)]

2. The following improvement actions shall be completed according to the following schedule. The Best Management Practices/Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit.

Action Item	Completion Date
1. Continue implementing the existing BMP3 Plan	Issuance date of permit

[62-620.320(6)]

3. Within six months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the contents of the aquatic organism return plan in accordance with Condition I.A.11 and shall submit the plan to the Department within 12 months of the effective date of this permit. The plan shall be implemented within 24 months subsequent to approval by the Department.

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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 Condition III.8.

VII. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

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 Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

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) "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.
- (6) "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.
- (7) "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.
- (8) "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.
- (9) "BMP3" means a Best Management Practices 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.
- (10) 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.

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.

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a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by 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 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. 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
- (5) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.

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 loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 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
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 should 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.

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f. Plan Development & Implementation

The BMP3 plan shall be developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the WMA which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall 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 permit issuing authority upon request. The summary should 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 waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall 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 permit issuing authority 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 shall be included.
- (3) A timetable for the various plan requirements follows:

Timetable for BMP3 Plan Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
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.

VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. [62-620.310(4)]
2. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Department's Northwest District Office, are made a part hereof.
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.
4. The permittee shall provide verbal notice to the Department's Northwest District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or

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wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Northwest District Office in a written report within 7 days of the sinkhole discovery. [62-620.320(6)]

B. 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; or
 - 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.

[62-620.625(1)]

C. Impoundment Operation and Maintenance

1. All ash impoundments used to hold or treat wastewater and other associated wastes shall be operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit
2. Operation and maintenance of any ash impoundment shall be in accordance with all applicable State regulations. When practicable, piezometers or other instrumentation shall be used as a means to aid monitoring of impoundment integrity.

D. Impoundment Integrity Inspections

1. No later than January 31, 2011, and annually thereafter, all impoundments shall be inspected by qualified personnel with knowledge and training in impoundment integrity. Annual inspections shall include observations of dike and toe areas for erosion, cracks or bulges, seepage, wet or soft soil, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as overly lush, dead or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity.
2. Within 30 days after the annual inspection, a qualified, responsible officer shall certify to the Department that no breaches or structural defects resulting in the discharges to surface waters of the State and that no changes were observed which may indicate a potential compromise to impoundment integrity during the previous calendar year.

The certification shall also include a statement 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.

3. The permittee shall conduct follow-up inspections within 7 days after large or extended rain events (i.e., 25-year, 24-hour precipitation event).

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4. In the event that the impoundment integrity is compromised and may result in a potential discharge to surface waters of the State, the permittee shall notify the Department within twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule within fifteen (15) days after notifying the Department. Observed changes such as significant increases in seepage or seepage carrying sediment may be signs of imminent impoundment failure and should be addressed immediately.

E. Reporting and Recordkeeping Requirements for Impoundments

1. The summarized findings of all monitoring activities, inspections, and corrective actions pertaining to the impoundment integrity, and operation and maintenance of all impoundments shall be documented and kept on-site in accordance with permit Condition V.3, and made available to Department inspectors upon request.
2. Starting with the issuance of this permit, all pertinent impoundment permits, design, construction, operation, and maintenance information, including but not limited to: plans, geotechnical and structural integrity studies, copies of permits, associated certifications by qualified, Florida-registered professional engineer, and regulatory approvals, shall be kept on site in accordance with permit Condition V.3 and made available to Department inspectors upon request.

F. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (**Month, Day, Year**) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the permittee has made complete the application for renewal of this permit before the permit expiration date.
[62-620.335(1)-(4), F.A.C.]
2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either
 - a. Within thirty days after the permittee has received a notice; or
 - b. Within thirty days after final agency action.

Failure to publish a notice is a violation of this permit.

G. Reopener Clauses

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, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a

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different limitation, monitoring requirement, or more stringent requirements or any applicable standards pertaining to the operation and maintenance of coal combustion waste impoundments.

3. The Department or EPA may develop a 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.
4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

IX. 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)]*
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)]*
3. As provided in subsection 403.087(7), 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 infringement 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)]*
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)]*
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)]*
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)]*
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)]*
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)]*
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

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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)]

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, F.S., 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)]*

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)]*

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)]*

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)]*

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)]*

15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*

16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., 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)]*

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;

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- 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)]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, 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), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant 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. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

[62-620.610(18)]

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)]

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 treated or untreated 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 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;

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- (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 the 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)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. *[62-620.610(21)]*

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. 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 preventive maintenance; and
 - (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- c. 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 Permit Condition IX. 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.
- d. 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 Permit Condition IX. 22. a. 1 through 3 of this permit.
- e. 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 provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

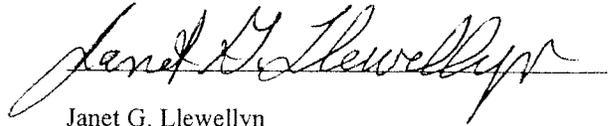
- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.

- b. 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 Permit Condition IX.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. 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)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Janet G. Llewellyn
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8336

Attachment(s):
Discharge Monitoring Report



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

Rick Scott
Governor

Carlos Lopez-Canera
Lt. Governor

Jonathan P. Steverson
Secretary

Sent by E-mail to:
(jo Vick@southernco.com)

In the Matter of an
Application for Permit by:

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

Jackson County
Scholz Electric Generating Plant
NPDES Permit No. FL0002283
PA File No. FL0002283-005-IW1S

NOTICE OF PERMIT

Enclosed is Permit Number FL0002283 to operate the Scholz Electric Generating Plant, issued under Chapter 403, Florida Statutes.

Monitoring requirements under this permit are effective on the first day of the second month following the effective date of the permit. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any.

Any party to this order (permit) has the right to seek judicial review of the permit action 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, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when this document is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:
Gulf Power Company

PERMIT NUMBER: FL0002283-005 (Major)
FILE NUMBER: FL0002283-005-IW1S
ISSUANCE DATE: October 20, 2015
EXPIRATION DATE: October 19, 2020

RESPONSIBLE OFFICIAL:
Mr. James O. Vick
Director of Environmental Affairs
One Energy Place
Pensacola, Florida 32520
(850) 444-6429

FACILITY:

Scholz Electric Generating 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. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

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 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. The coal ash pond is scheduled to be closed during this permit cycle.

EFFLUENT DISPOSAL:

Surface Water Discharge D-001: An existing 129.6 MGD maximum permitted discharge to the Apalachicola River, Class III Fresh Waters, (WBID No. 375G). The point of discharge is located approximately at latitude 30°39' 59" N, longitude 84°53' 12" W.

Internal Outfall I-012: An existing permitted discharge to the discharge canal from the ash pond.

Internal Outfall I-013: An existing permitted discharge to the on-site ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 27 of this permit.

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-001 (COMBINED PLANT DISCHARGE)** to the Apalachicola River. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max	Report	Daily Maximum	Daily: 24 hours	Calculated	INT-1	
Flow	MGD	Max	Report	Daily Maximum	Daily: 24 hours	Calculated	EFF-2	
Temperature (F), Water (Intake)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	INT-1	
Temperature (F), Water (Discharge)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	EFF-1	See I.A.6
pH	s.u.	Min Max	6.0 8.5	Daily Minimum Daily Maximum	Weekly	Grab	EFF-2	
Oil and Grease	mg/L	Max Max	5.0 5.0	Daily Maximum Monthly Average	Quarterly	Grab	EFF-2	
Chlorine, Total Residual	mg/L	Max Max	0.01 0.01	Daily Maximum Monthly Average	Weekly	Multiple Grabs ¹	EFF-2	See I.A.7
Chlorination Duration	min	Max	120	Daily Maximum	Weekly	Calculated	EFF-2	
Aluminum, Total Recoverable	mg/l.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	
Arsenic, Total	ug/L.	Max	50 50	Daily Maximum Monthly Average	Annually	24-hr TPC	EFF-2, INT-1	
Beryllium, Total Recoverable	ug/L.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	
Cadmium, Total Recoverable	ug/L.	Max	See I.A.4	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Chromium, Total Recoverable	ug/L.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	
Copper, Total Recoverable	ug/L.	Max	See I.A.4	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Iron, Total Recoverable	mg/L.	Max Max	1.0 1.0	Daily Maximum Monthly Average	Annually	24-hr TPC	EFF-2, INT-1	See I.A.5
Lead, Total Recoverable	ug/L.	Max	See I.A.4	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Mercury, Total Recoverable	ug/L.	Max	Report	Daily Maximum	Annually	24-hr TPC	EFF-2, INT-1	
Nickel, Total Recoverable	ug/L.	Max	See I.A.4	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Selenium, Total Recoverable	ug/L.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	
Vanadium, Total Recoverable	mg/L.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	
Zinc, Total Recoverable	ug/L.	Max	See I.A.4	Single Sample	Annually	24-hr TPC	EFF-2, INT-1	See I.A.4 and I.A.5
Hardness, Total (as CaCO3)	mg/L.	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4

¹ Multiple grabs for TPC 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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Parameter	Units	Max/Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Nitrogen, Ammonia, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Kjeldahl, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Nitrate, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Nitrite, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Total	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Total	lb/year	Max	Report	Annual Total	Annually	Calculated	EFF-2 INT-1	See I.A.15
Nitrogen, Total (Net)	lb/year	Max	Report	Annual Total	Annually	Calculated	EFF-2	See I.A.15
Phosphate, Ortho (as PO4)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Phosphorus, Total (as P)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Phosphorus, Total (as P)	lb/year	Max	Report	Annual Total	Annually	Calculated	EFF-2 INT-1	See I.A.15
Phosphorus, Total (as P) (Net)	lb/year	Max	Report	Annual Total	Annually	Calculated	EFF-2	See I.A.15
Chronic Whole Effluent Toxicity, 7-Day IC25 (Ceriodaphnia dubia)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.14
Chronic Whole Effluent Toxicity, 7-Day IC25 (Pimephales promelas)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.14

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

Monitoring Site Number	Description of Monitoring Site
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 condenser outlet.

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. *[62-302.500(1)(a)]*
4. The limit for "Copper, Total Recoverable", "Cadmium, Total Recoverable", "Lead, Total Recoverable", "Nickel, Total Recoverable", and "Zinc, Total Recoverable" shall be calculated using the following equation(s):

$$Cu \leq e^{(0.8545)(\ln C) - 1.702}$$

$$Cd \leq e^{(0.7409)(\ln C) - 4.719}$$

$$Pb \leq e^{(1.273)(\ln C) - 1.705}$$

$$Ni \leq e^{(0.846)(\ln C) - 0.0584}$$

$$Zn \leq e^{(0.8473)(\ln C) + 0.884}$$

² Whole effluent toxicity testing shall be completed during the period of chlorination of the once-through cooling water.

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Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L.

The measured effluent value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable", "Cadmium, Total Recoverable", "Lead, Total Recoverable", "Nickel, Total Recoverable", and "Zinc, Total Recoverable" (effluent). The calculated effluent limit shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable", "Cadmium, Total Recoverable", "Lead, Total Recoverable", "Nickel, Total Recoverable", and "Zinc, Total Recoverable" (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable", "Cadmium, Total Recoverable", "Lead, Total Recoverable", "Nickel, Total Recoverable", and "Zinc, Total Recoverable" (effluent minus calculated limit). The compliance value shall not exceed 0.00. [62-302.530(23), 62-302.530(15), and 62-302.530(39)]

5. 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.
6. Discharge from Outfall D-001 is subject to the requirements of Rule 62-302.520(1), F.A.C.
7. Limitations and monitoring requirements for total residual chlorine are not applicable for time periods in which once-through condenser cooling water is not chlorinated.
8. 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.
9. The permittee shall maintain the current intake through-screen velocity such that the existing maximum velocity is not exceeded. [C.W.A. 316(b)]
10. The permittee shall maintain current travelling screen practices at Units 1 and 2 so as to assure that the screens are cycled twice during each 24 hours of continuous operation unless precluded by repair/maintenance requirements.
11. Fish, shellfish, and other aquatic organisms collected from or trapped on the intake screens shall be returned or relocated to their natural habitat in such a manner to minimize stress or mortality. Material collected on the intake screens shall be removed and disposed of in accordance with all the existing Federal, state and or local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters. [C.W.A. 316(b)]
12. If the facility resumes the use of once-through cooling water such that the requirements of 40 CFR 125.91 are applicable, the permittee shall complete all studies and gather all information required under 40 CFR 122.21(r) necessary to establish impingement mortality and entrainment BTA requirements and shall submit the required information with the permit renewal application. [C.W.A. 316 (b)]
13. Nothing in this permit authorizes take for the purposes of a Facility's compliance with the federal Endangered Species Act. [40 CFR 125.98(b)(1)]
14. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from Outfall D-001.

PERMITTEE: Gulf Power Company
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- a. Effluent Limitation
 - (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. *[Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]*
 - (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. *[Rules 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]*
- b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
 - (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 14.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 14.a.(1) above.
 - (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-013, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
- c. Sampling Requirements
 - (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-013, Section 8.
 - (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) Samples for routine and additional follow-up tests shall not be collected on the same day.
- d. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: 100%, 50%, 25%, 12.5%, and 6.25% final effluent.
 - (2) The permittee shall conduct a daphnid, *Ceriodaphnia dubia*, Survival and Reproduction Test and a fathead minnow, *Pimephales promelas*, Larval Survival and Growth Test, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4th Edition, EPA-821-R-02-013. 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 above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.
 - (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-013, Section 7.2.3.
- e. Quality Assurance Requirements
 - (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-013, Section

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13.12 (*Ceriodaphnia dubia*) and Section 11.11 (*Pimephales promelas*). The repeat test shall begin within 21 days after the last day of the invalid test.

- (3) If 100% mortality occurs in all effluent concentrations for either test species prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
- (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-013, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.

f. Reporting Requirements

- (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.
- (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-013, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
- (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-013, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.
- (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
- (5) The same bioassay data shall not be reported as the results of more than one test.
- (6) All bioassay laboratory reports shall be sent to:

Florida Department of Environmental Protection
Northwest District Office
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5794

g. Test Failures

- (1) A test fails when the test results do not meet the limits in 14.a.(1).
- (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the chronic toxicity limitation in 14.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 14.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
 - (c) 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% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be analyzed according to the procedures in EPA-821-R-02-013.
- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
 - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 14.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in

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- 14.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-013, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
- (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 14.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 14.(a)(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
- (5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity failures.

[62-4.241, 62-620.620(3)]

15. The annual mass loads of total nitrogen and total phosphorus shall be calculated as follows:

$$AL \text{ (Lbs/year)} = \text{Flow (MG/year)} \times \text{TN or TP (mg/L)} \times 8.34 \text{ (L-Lbs/MG-mg)}$$

Where:

AL = Annual mass load of total nitrogen or total phosphorus at EFF-2; (Lbs/year)

Flow = Total volume of effluent discharged from the point source in a given year at EFF-2; (million gallons (MG)). This flow volume shall include all internal flows discharged to the discharge canal.

TN = Concentration of TN collected at EFF-2; (mg/L)

TP = Concentration of TP collected at EFF-2; (mg/L)

The same formula shall be used to calculate the lb/year of TN and TP at the intake (INT-1) as shown below.

$$AL_1 \text{ (Lbs/year)} = \text{Flow}_1 \text{ (MG/year)} \times \text{TN}_1 \text{ or TP}_1 \text{ (mg/L)} \times 8.34 \text{ (L-Lbs/MG-mg)}$$

Where:

AL₁ = Annual mass load of total nitrogen or total phosphorus at INT-1; (Lbs/year)

Flow₁ = Total volume of influent withdrawn from the intake canal in a given year at INT-1; (million gallons (MG))

TN₁ = Concentration of TN collected at INT-1; (mg/L)

TP₁ = Concentration of TP collected at INT-1; (mg/L)

The net TN and TP loadings to surface waters at D-001 shall be calculated as the AL at EFF-2 less AL₁ at INT-1.

B. Internal Outfalls

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater from **Internal Outfall I-012 (ASH POND DISCHARGE)** to the

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discharge canal. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max	Report	Daily Average	Weekly	Calculated	OUI-3	
Solids, Total Suspended	mg/l.	Max	30.0	Monthly Average	Weekly	24-hr TPC	OUI-3	
		Max	100.0	Daily Maximum				
Oil and Grease	mg/L.	Max	15.0	Monthly Average	Bi-weekly; every 2 weeks	Grab	OUI-3	
		Max	20.0	Daily Maximum				
pH	s.u.	Min	6.0	Daily Minimum	Weekly	Grab	OUI-3	
		Max	9.0	Daily Maximum				
Nickel, Total Recoverable	ug/L.	Max	Report	Instantaneous Maximum	Annually	Grab	OUI-3	

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-3	The point of discharge at the ash pond discharge weir.

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge domestic treatment plant wastewater from **Internal Outfall I-013 (DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT)** to the ash pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Weekly	Meter	OUI-4	
Biochemical Oxygen Demand-5	mg/L.	Max	25.0	Monthly Average	Quarterly	Grab	OUI-4	
		Max	60.0	Daily Maximum				
Solids, Total Suspended	mg/L.	Max	30.0	Monthly Average	Quarterly	Grab	OUI-4	
		Max	60.0	Daily Maximum				
Coliform, Fecal	#/100ml.	Max	Sec I.B.6		Quarterly	Grab	OUI-4	Sec I.B.6

4. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.3. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-4	The point of discharge at the wastewater treatment outlet box.

5. 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.
6. The arithmetic mean of the monthly fecal coliform values collected during an annual period, as described in subparagraph 62-600.740(1)(a)1., F.A.C., shall not exceed 200 per 100 mL of reclaimed water sample. The

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geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile) during a period of 30 consecutive days shall exceed 400 fecal Coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. *Note:* To report the value of the sample that corresponds to the 90th percentile value, list the fecal Coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal number for the 27th value of ascending order.

[62-600.440(4)(c)]

C. 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 conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and 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 quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. 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 MDL 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 an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - c. If the MDLs 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 MDL shall be used.

When 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.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. 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. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. *[62-4.246, 62-160]*

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. *[62-620.320(6)]*
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 Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, 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	Due Date
Monthly	first day of month - last day of month	28 th day of following month
Quarterly	January 1 - March 31	April 28

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	April 1 - June 30 July 1 - September 30 October 1 - December 31	July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

The permittee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms 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
Water Compliance Assurance Program, Mail Station 3550
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If submitting electronic DMR forms, the permittee shall use the electronic DMR system (EzDMR) and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. [62-620.610(18)]

4. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Northwest District Office at the address specified below:

Florida Department of Environmental Protection
Northwest District Office
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5794

Phone Number - (850) 595-8300
FAX Number - (850) 595-8417 (All FAX copies shall be followed by original copies.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. Any bypass of the treatment facility which is not included in the monitoring specified in Sections I.A and I.B., 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.
8. There shall be no discharge of polychlorinated biphenyl (PCB) compounds such as those commonly used for transformer fluid. The permittee shall dispose of all known PCB equipment, articles, and wastes either in accordance with:
 - a. Department-issued permits governing soil thermal treatment (Chapter 62-713, F.A.C.) or Department-approved landfills provided the PCB concentrations meet the Florida landfill's permitted limit when concentrations are less than 50 ppm; or
 - b. 40 CFR 761 when concentrations are greater than or equal to 50 ppm.

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[40 CFR Part 423.12(b)(2)]

9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream that ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in a permit; except 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. In the event the permittee proposes to use water treatment chemicals, biocides, corrosion inhibitors, or additives not authorized in this permit, or not previously reported to the Department, that ultimately may be released to waters of the State, the permittee shall notify the Department in writing a minimum of thirty (30) days prior to instituting the use of such product. The product shall not be used prior to a determination by the Department that a permit revision is not required or prior to Department approval. Such notification shall include:
- a. Name and general composition of biocide or chemical
 - b. Frequencies of use
 - c. Quantities to be used
 - d. Proposed effluent concentrations
 - e. Acute and/or chronic toxicity data (laboratory reports shall be prepared, depending on the test type, according to Section 12 of EPA document no. EPA-821-R-02-012 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, Section 10 of EPA document no. EPA-821-R-02-013 entitled, Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms or Section 10 of EPA document no. EPA-821-R-02-014 entitled, Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, or most current addition)
 - f. Product data sheet
 - g. Product label

A revision to this permit is not necessary for use of products equivalent to those authorized in this permit provided the equivalent products consist of the same active ingredients and the product is applied at the same location with the same or lower concentrations of the active ingredients at the outfall. The permittee is responsible for maintaining documentation on-site which demonstrates equivalency of any new water treatment products from another vendor or manufacturer with a different product name from those listed above.

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 and 40 CFR Part 266, via the ash pond shall be an authorized discharge of this permit.
11. Metals concentrations shall be reported and expressed as the total recoverable fraction. *[62-302.500(2)(d) and 62-620.620(2)(c)1, F.A.C.]*
12. The permittee shall not store coal, soil, or other similar erodible materials in a manner in which runoff is uncontrolled, nor shall construction activities be conducted in a manner which produces uncontrolled runoff unless such uncontrolled runoff has been specifically approved by the Department. "Uncontrolled" shall mean without sedimentation basin or other controls approved by the Department.
13. The permittee is authorized to utilize the following water treatment chemicals and biocides, or their equivalents, in the Units 1 and 2 cooling water systems and other wastewater streams:

Chemical Name	System Used	Chemical Purpose
Ammonium Hydroxide	Boiler Water System	pH Control
Hydrazine	Boiler Water System	Oxygen Scavenger
Calcium hypochlorite	Once-through cooling water system	Biocide

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14. A revision to this permit is not necessary for the following activities:
- Structural changes that do not change the quality, nature, or quantity of the discharge of wastes or that do not cause water pollution; and
 - Construction, replacement or repair of components at the facility which does not change the permitted treatment works or the terms and conditions of this permit.

Records of these activities shall be kept by the permittee (activity description, start date and length of activity). The documentation shall be kept on-site in accordance with Permit Condition V.4, and made available to Department staff upon request. *[62-620.200(26)(a) & (b)]*

II. SLUDGE AND RESIDUALS MANAGEMENT REQUIREMENTS

A. Domestic Residuals Management Requirements

- The method of residuals use or disposal by this facility is transport to a residuals management facility (RMF). Transportation of the residuals to an alternative RMF does not require a permit modification. However, use of an alternative RMF requires the submittal of a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the residuals. *[62-620.320(6), 62-640.880(1)]*
- The permittee shall be responsible for proper management or disposal of its residuals. *[62-640.300(5)]*
- The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted RMF which the source facility has an agreement with in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. *[62-640.300(5)]*
- Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. *[62-640.100(6)(k)3 & 4]*
- The permittee shall keep hauling records to track the transport of its residuals to the RMF. The hauling records shall contain the following information:

Source Facility	Residuals Management Facility
1. Date and Time Shipped	1. Date and Time Received
2. Amount of Residuals Shipped	2. Amount of Residuals Received
3. Degree of Treatment (if applicable)	3. Name and ID Number of Source Facility
4. Name and ID Number of Residuals Management Facility or Treatment Facility	4. Signature of Hauler
5. Signature of Responsible Party at Source Facility	5. Signature of Responsible Party at Residuals Management Facility
6. Signature of Hauler and Name of Hauling Firm	

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. *[62-640.880(4)]*

- Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department if the storage lasts longer than 30 days. *[62-640.300(4)]*

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B. Industrial Sludge Management Requirements

1. The permittee shall be responsible for proper treatment, management, use or land application of its sludges.
2. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
3. The permittee shall keep records of the amount of sludge disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
 - a. Name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. Name and location of the site of disposal, treatment or incineration;
 - c. Name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.
4. The Permittee shall close the existing on-site coal ash pond during this permit cycle. Before commencing closure activities, the Permittee shall submit a closure plan for the coal ash pond to the Department's Northwest District Office and Tallahassee Industrial Wastewater Program for approval. The closure of the coal ash pond shall comply with applicable solid waste, stormwater and wastewater rules. This plan shall include a schedule and address ash dewatering, removal, and disposal; construction of ash disposal area; any re-direction of groundwater, stormwater or wastewater; removal or capping of existing outfalls; post closure groundwater monitoring; and provide reasonable assurance that discharges to surface waters will meet applicable water quality standards, and effluent guidelines in 40 CFR 423. The Permittee shall obtain all necessary permits and authorizations from the Department for the closure activities.

No later than 90 days after completion of all ash pond closure activities, the Permittee shall submit a construction completion report to the Department's Northwest District Office Solid Waste Section and Tallahassee Industrial Wastewater Program for approval. The report shall include all applicable DEP forms such as DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities; DEP Form 62-620.910(13), Notification of Availability of Record Drawings and Final Operation and Maintenance Manuals; and DEP Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility.

III. GROUND WATER REQUIREMENTS

1. 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 62-520, F.A.C., until such time the ash impoundments/disposal areas are certified closed by the Northwest District's Solid Waste Section.
2. The following monitoring wells shall be sampled for the ground water discharge:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Aquifer Monitored	WACS ID
		°	'	"	°	'	"		
MWB-205	MW-205MD	30	40	18	84	53	35.871	Floridan	29276
MWB-205I	MW-205S	30	40	18	84	53	35	Surficial	29277
MWC-2	WSW-2	30	40	19	84	53	17	Floridan	29278
MWC-203	MW-203MD	30	39	58.359	84	53	15.635	Floridan	29279
MWC-204	MW-204MD	30	39	55.952	84	53	28.431	Floridan	29280
MWC-210	MW-210MD	30	40	5.327	84	53	14.437	Floridan	29281
MWC-212	MW-212MD	30	39	55	84	53	22	Floridan	29282
MWC-2031	MW-203S	30	39	59	84	53	15	Surficial	29283
MWI-204S	MWI-204S, Intermediate	30	39	57	84	53	28	Surficial	29284
MWI-210S	MWI-210S, Intermediate	30	40	6	84	53	14	Surficial	29285
MWP-103	MW-103; Piezometer well	30	39	59	84	53	15	Floridan	29784

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Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Aquifer Monitored	WACS ID
		°	'	"	°	'	"		
MWP-105	MW-105: Piezometer well	30	40	17	84	53	35	Floridan	29785
MWP-110	MW-110A: Piezometer well	30	40	7	84	53	13	Floridan	29786
MWP-112	MW-112: Piezometer well	30	39	55	84	53	22	Floridan	29787

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

[62-520.600]

3. The following parameters shall be analyzed for monitoring wells MWC-203, MWB-205, and MWC-210 identified in Permit Condition III.2. Results shall be reported in accordance with Permit Condition III.18:

Parameter	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	ft	In Situ	Quarterly
pH	Report	s.u.	Grab	Quarterly
Specific Conductance	Report	umhos/cm	Grab	Quarterly
Aluminum, Total Recoverable	Report	mg/l.	Grab	Quarterly
Arsenic, Total Recoverable	Report	mg/l.	Grab	Quarterly
Boron, Total Recoverable	Report	mg/l.	Grab	Quarterly
Cadmium, Total Recoverable	0.005	mg/l.	Grab	Quarterly
Chloride (as Cl)	Report	mg/l.	Grab	Quarterly
Chromium, Total Recoverable	0.100	mg/l.	Grab	Quarterly
Cobalt, Total Recoverable	Report	mg/l.	Grab	Quarterly
Iron, Total Recoverable	Report	mg/l.	Grab	Quarterly
Lead, Total Recoverable	0.015	mg/l.	Grab	Quarterly
Magnesium, Total Recoverable	Report	mg/l.	Grab	Quarterly
Mercury, Total Recoverable	0.002	mg/l.	Grab	Quarterly
Selenium, Total Recoverable	0.050	mg/l.	Grab	Quarterly
Sulfate, Total	Report	mg/l.	Grab	Quarterly
Solids, Total Dissolved (TDS)	Report	mg/l.	Grab	Quarterly
Alpha, Gross Particle Activity	15	pCi/l.	Grab	Quarterly
Radium 226 + Radium 228, Total	5	pCi/l.	Grab	Quarterly

For piezometers, monitoring and reporting is required only for water level information.

[62-520.600(1)(b)]

4. The following parameters shall be analyzed for each monitoring well identified in Permit Condition III.2 excluding those monitored for in Permit Condition III.3. Results shall be reported in accordance with Permit Condition III.18:

Parameter	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	ft	In Situ	Annually
pH	Report	s.u.	Grab	Annually
Specific Conductance	Report	umhos/cm	Grab	Annually
Aluminum, Total Recoverable	Report	mg/l.	Grab	Annually
Arsenic, Total Recoverable	Report	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
Solids, Total Dissolved (TDS)	Report	mg/l.	Grab	Annually
Alpha, Gross Particle Activity	15	pCi/l.	Grab	Once Every 5 Years

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Parameter	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Radium 226 + Radium 228, Total	5	pCi/L	Grab	Once Every 5 Years

For piezometers, monitoring and reporting is required only for water level information

[62-520.600(11)(b)]

5. The zone of discharge for the ash pond shall extend horizontally along the ground surface to the facility's property line and vertically from the land surface to the base of the surficial aquifer. *[62-520.200(27)] [62-520.465]*
 6. A complete sampling record shall be provided for each monitoring 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.
 7. When Gross Alpha Particle Activity is detected above 5.0 pCi/L, then combined Radium 226 and 228 shall be tested and reported.
 8. In the event the 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 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.
 9. The permittee shall develop a written technical report pursuant to the schedule in Condition VI.3 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:
 - a. Tabular displays of any data which shows that a monitoring parameter has been detected, and graphical displays of any leachate key indicator parameters detected (such as pH, specific conductance, TDS, TOC, sulfate, chloride, sodium and iron), including hydrographs for all monitor wells;
 - b. Trend analysis of any monitoring parameters consistently detected;
 - c. Comparisons among shallow, middle, and deep zone wells, as applicable;
 - d. Comparisons between background water quality and the water quality in detection and compliance wells;
 - e. Correlations between related parameters such as total dissolved solids and specific conductance, as applicable;
 - f. Discussion of erratic and/or poorly correlated data;
 - g. An interpretation of the ground water contour maps, including an evaluation of ground water flow rates; and
 - h. An interpretation of the ground water contour maps, including an evaluation of ground water flow rates.
- [62-701.510(8)(b)]*
10. 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.
 11. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., shall be met within the zone of discharge. *[62-520.400 and 62-520.420(4)]*
 12. If the concentration for any constituent listed in Conditions III.3 or III.4 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 background quality shall be the prevailing standard. *[62-520.420(2)]*

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13. Water levels in each monitoring well shall be measured in a single day. During well sampling, water levels shall be measured on the sample day and recorded prior to evacuating the wells or collecting samples. Water level, top of well casing and land surface elevations at each well site, at a precision of plus or minus 0.01 feet using a consistent, nationally recognized datum, shall be reported on each analysis report. Prior to sampling, the field parameters shall be stabilized from each well. Sampling and purging methods in the SOPs, as allowed in Chapter 62-160, F.A.C. must be used. *[62-520.600(11)(c)]*
14. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northwest District Office as being more representative of ground water conditions. *[62-520.310(5)]*
15. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department's Northwest District Office immediately and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence. All monitoring well design and replacement shall be approved by the Department's Northwest District Office prior to installation. *[62-520.600(6)(l)]*
16. All piezometers and monitoring wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(5), F.A.C., unless future use is intended. *[62-532.500(5)]*
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.
18. The results pertaining to groundwater monitoring requirements under Part III of this permit shall be submitted electronically on compact disc media readable by a Microsoft Windows computer to:

Florida Department of Environmental Protection
Northwest District Office
Solid Waste Section
160 W. Government Street, Suite 308
Pensacola, Florida 32502

And to:

Florida Department of Environmental Protection
Bob Martinez Center
Solid Waste Section
2600 Blair Stone Road
MS 4565
Tallahassee, Florida, 32399-2400

The data shall be evaluated using ADaPT to conduct data quality review and compliance checking. The owner or operator shall include DEP Form 62-701.900(31), Water Quality Monitoring Certification provided as Attachment 1 with each report certifying that the laboratory results have been reviewed and approved by the owner or operator. To download the appropriate version of the ADaPT software for data entry and submittals and for other general information related to the use of ADaPT, go to the DEP's web site at:

<http://www.dep.state.fl.us/waste/categories/shw/pages/ADaPT.htm>

The ADaPT water quality analysis shall be submitted electronically on compact disc media readable by a Microsoft Windows computer. Electronic laboratory data must be submitted in a specific format called an Electronic Data Deliverable (EDD). The submittal shall also include Chain of Custody sheets, field data sheets (Form FD 9000-24 provided as Attachment 2), groundwater contour maps, water elevation table, summary of exceedances, recommendations, and the Groundwater Monitoring Report Certification. The Department will use ADaPT to conduct data quality review and compliance checking.

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[62-160.240(3) and 62-160.340(4)]

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. *[62-620.320(6)]*
2. The on-site domestic facility shall have a Class D or higher operator 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator for the domestic facility must be a Class D operator, or higher.
3. When the three-month average daily flow for the most recent three consecutive months exceeds 50 percent of the permitted capacity of the domestic wastewater treatment plant or reuse and disposal systems, the permittee shall submit to the Department's Northwest District Office a capacity analysis report. This initial capacity analysis report shall be submitted within 180 days after the last day of the last month of the three-month period referenced above. The capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. *[62-600.405(4)]*
4. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - 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 required by the permit for at least three years from the date the report was prepared;
 - 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;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings; and
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.*[62-620.350]*
5. During the period of operation authorized by this permit, the wastewater facility shall, as part of the regular maintenance schedule, review the structural integrity of all outfalls, including all outfalls which have been taken out of service.

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Best Management Practices/Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit.

Action Item	Completion Date
1. Continue implementing the existing BMP3 Plan	Issuance date of permit

[62-620.320(6)]

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2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. *[62-620.335(1) and (2)]*
3. No later than 120 days after the final groundwater sampling event, the permittee shall submit a technical report on groundwater in accordance with the requirements of Condition III.9 to the Northwest District Office.
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. *[62-600.735(1)]*

VII. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

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 Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

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) "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.
- (6) "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.
- (7) "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.
- (8) "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.
- (9) "BMP3" means a Best Management Practices 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.

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(10) 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.

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, including mercury, 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.

a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by 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 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. 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
- (5) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.

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 loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.2 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 Program, Mail Station 3545
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

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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 should 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 developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the WMA which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall 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 permit issuing authority upon request. The summary should 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 waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall 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 permit issuing authority 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 shall be included.
- (3) A timetable for the various plan requirements follows:

Timetable for BMP3 Plan Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
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.

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VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. *[62-620.310(4)]*
2. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Department's Northwest District Office, are made a part hereof.
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.
4. The permittee shall provide verbal notice to the Department's Northwest District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Northwest District Office in a written report within 7 days of the sinkhole discovery. *[62-620.320(6)]*

B. 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; or
 - 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.

[62-620.625(1)]

C. Impoundment Design, Construction, Operation, and Maintenance

1. All ash impoundments used to hold or treat wastewater and other associated wastes shall be operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit
2. Operation and maintenance of any ash impoundment shall be in accordance with all applicable State regulations. When practicable, piezometers or other instrumentation shall be used as a means to aid monitoring of impoundment integrity.

D. Impoundment Integrity Inspections

1. No later than January 31, 2016, and annually thereafter, all impoundments shall be inspected by qualified personnel with knowledge and training in impoundment integrity. Annual inspections shall include observations of dike and toe areas for erosion, cracks or bulges, seepage, wet or soft soil, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as overly lush, dead

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or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity, including subsidence and animal burrows.

2. Within 30 days after the annual inspection, a qualified, responsible officer shall certify to the Department that no breaches or structural defects resulting in the discharges to surface waters of the State and that no changes were observed which may indicate a potential compromise to impoundment integrity during the previous calendar year.

The certification shall also include a statement 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 certification shall be submitted to the Department's Northwest District Office.

3. The permittee shall conduct follow-up inspections within 7 days after large or extended rain events (i.e., 25-year, 24-hour precipitation event).
4. In the event that a critical condition in the ash impoundment, such as the conditions listed below, is suspected that may result in a potential discharge to surface waters of the State, the permittee shall notify the Department within twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule within fifteen (15) days from the time existence of the critical condition is confirmed and the Department was notified.

E. Reporting and Recordkeeping Requirements for Impoundments

1. The summarized findings of all monitoring activities, inspections, and corrective actions pertaining to the impoundment integrity, and operation and maintenance of all impoundments shall be documented and kept on-site in accordance with permit condition V.3, and made available to Department inspectors upon request.
2. Starting with the issuance of this permit, all pertinent impoundment permits, design, construction, operation, and maintenance information, including but not limited to: plans, geotechnical and structural integrity studies, copies of permits, associated certifications by qualified, Florida-registered professional engineer, and regulatory approvals, shall be kept on site in accordance with permit condition V.3 and made available to Department inspectors upon request.

F. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (April 22, 2020) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the permittee has made complete the application for renewal of this permit before the permit expiration date.
[62-620.335(1)-(4), F.A.C.]
2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either
 - a. Within thirty days after the permittee has received a notice; or
 - b. Within thirty days after final agency action.

Failure to publish a notice is a violation of this permit.

PERMITTEE: Gulf Power Company
FACILITY: Scholz Electric Generating Plant

PERMIT NUMBER: FL0002283-005 (Major)
EXPIRATION DATE: October 19, 2020

G. Reopener Clauses

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, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation, monitoring requirement, or more stringent requirements or any applicable standards pertaining to the operation and maintenance of coal combustion waste impoundments.
3. The Department or EPA may develop a 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.
4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

IX. 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)]*
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)]*
3. As provided in subsection 403.087(7), 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 infringement 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)]*
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)]*
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)]*

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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)]*
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)]*
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)]*
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)]*
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, F.S., 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)]*
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)]*
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)]*
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)]*
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)]*

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15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., 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)]*
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)]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, 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), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant 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. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.*[62-620.610(18)]*
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)]*
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.

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- 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 treated or untreated 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 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 the 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)]
21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. *[62-620.610(21)]*
22. Bypass Provisions.
- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
 - b. 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 preventive maintenance; and
 - (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
 - c. 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 Permit Condition IX. 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.

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- d. 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 Permit Condition IX. 22. a. 1 through 3 of this permit.
- e. 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 provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. 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 Permit Condition IX.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. 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)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-IW15
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT CLASS SIZE	Final MA
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	MONITORING GROUP NUMBER	D-001
COUNTY OFFICE	Jackson Northwest District Branch (Panama City)	MONITORING GROUP DESCRIPTION	Combined Plant Discharge (Once-through cooling water and ash pond discharge)
		RE-SUBMITTED DMR	<input type="checkbox"/>
		NO DISCHARGE FROM SITE	<input type="checkbox"/>
		MONITORING PERIOD	From _____ To _____
		REPORT FREQUENCY PROGRAM	Monthly Industrial

Parameter		Quantity or Loading	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement								
PARM Code 50050 7 Mon. Site No. INT-1	Permit Requirement	Report (Day Max.)	MGD					Daily, 24 hours	Calculated
Flow	Sample Measurement								
PARM Code 50050 1 Mon. Site No. EFF-2	Permit Requirement	Report (Day Max.)	MGD					Daily, 24 hours	Calculated
Temperature (F), Water (Intake)	Sample Measurement								
PARM Code 00011 7 Mon. Site No. INT-1	Permit Requirement			Report (Mo Avg)	Report (Day Max)	Deg F		4 Days/Week	Meter
Temperature (F), Water (Discharge)	Sample Measurement								
PARM Code 00011 1 Mon. Site No. EFF-1	Permit Requirement			Report (Mo Avg)	Report (Day Max)	Deg F		4 Days/Week	Meter
pH	Sample Measurement								
PARM Code 00400 1 Mon. Site No. EFF-2	Permit Requirement		6.0 (Day Min)		8.5 (Day Max)	p.u.		Weekly	Grab
Chlorine, Total Residual	Sample Measurement								
PARM Code 50060 1 Mon. Site No. EFF-2	Permit Requirement			0.01 (Mo Avg)	0.01 (Day Max)	mg/L		Weekly	Multiple Grabs
Chlorination Duration	Sample Measurement								
PARM Code 78739 1 Mon. Site No. EFF-2	Permit Requirement	120 (Day Max)	min/day					Weekly	Calculated

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Scholz Electric Generating Plant

MONITORING GROUP NUMBER: D-001

PERMIT NUMBER: FL0002283-005-1W15

MONITORING PERIOD: From _____ To _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No Ex	Frequency of Analysis	Sample Type
7-DAY CHRONIC STATRE: Ceriodaphnia dubia (Routine) PARAM Code TRP3B P Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	Quarterly	24-hr TPC
7-DAY CHRONIC STATRE: Ceriodaphnia dubia (Additional) PARAM Code TRP3B Q Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	As needed	As required by the permit
7-DAY CHRONIC STATRE: Ceriodaphnia dubia (Additional) PARAM Code TRP3B R Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	As needed	As required by the permit
7-DAY CHRONIC STATRE: Pimephales promelas (Routine) PARAM Code TRP6C P Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	Quarterly	24-hr TPC
7-DAY CHRONIC STATRE: Pimephales promelas (Additional) PARAM Code TRP6C Q Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	As needed	As required by the permit
7-DAY CHRONIC STATRE: Pimephales promelas (Additional) PARAM Code TRP6C R Mon. Site No EFF-1	Sample Measurement							
	Permit Requirement			100 (Min.)		percent	As needed	As required by the permit

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-1W15	
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT CLASS SIZE	Final MA D-001	REPORT FREQUENCY PROGRAM
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	MONITORING GROUP NUMBER		Quarterly Industrial
COUNTY OFFICE	Jackson Northwest District Branch (Panama City)	MONITORING GROUP DESCRIPTION	Combined Plant Discharge (Once-through cooling water and ash pond discharge)	
		RE-SUBMITTED DMR	<input type="checkbox"/>	
		NO DISCHARGE FROM SITE	<input type="checkbox"/>	
		MONITORING PERIOD	From _____	To _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No Ex	Frequency of Analysis	Sample Type
Oil and Grease	Sample Measurement							
PARM Code 00556 1 Mon. Site No. EFF-2	Permit Requirement			5.0 (No Avg)	5.0 (Day Max)	mg/L	Quarterly	Grab
Nitrogen, Ammonia, Total (as N)	Sample Measurement							
PARM Code 00610 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Nitrogen, Kjeldahl, Total (as N)	Sample Measurement							
PARM Code 00625 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Nitrogen, Nitrate, Total (as N)	Sample Measurement							
PARM Code 00620 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Nitrogen, Nitrite, Total (as N)	Sample Measurement							
PARM Code 00615 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Nitrogen, Total	Sample Measurement							
PARM Code 00600 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Phosphate, Ortho (as PO4)	Sample Measurement							
PARM Code 00660 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab
Phosphorus, Total (as P)	Sample Measurement							
PARM Code 00665 1 Mon. Site No. EFF-2	Permit Requirement				Report (Max.)	mg/L	Quarterly	Grab

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-IW15	
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT CLASS SIZE	Final MA D-001	REPORT FREQUENCY PROGRAM
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	MONITORING GROUP DESCRIPTION	Combined Plant Discharge (Once-through cooling water and ash pond discharge)	Annually Industrial
COUNTY OFFICE	Jackson Northwest District Branch (Panama City)	RE-SUBMITTED DMR	<input type="checkbox"/>	
		NO DISCHARGE FROM SITE	<input type="checkbox"/>	
		MONITORING PERIOD	From _____ To _____	

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No Ex	Frequency of Analysis	Sample Type
Aluminum, Total Recoverable	Sample Measurement							
PARM Code 01104 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	mg/L		Annually	24-hr TPC
Aluminum, Total Recoverable (Intake)	Sample Measurement							
PARM Code 01104 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	mg/L		Annually	24-hr TPC
Arsenic, Total Recoverable	Sample Measurement							
PARM Code 00978 1 Mon. Site No. EFF-2	Permit Requirement			50 (Mo. Avg.)	50 (Day Max.)	ug/L	Annually	24-hr TPC
Arsenic, Total Recoverable (Intake)	Sample Measurement							
PARM Code 00978 7 Mon. Site No. INT-1	Permit Requirement			50 (Mo. Avg.)	50 (Day Max.)	ug/L	Annually	24-hr TPC
Beryllium, Total Recoverable	Sample Measurement							
PARM Code 00998 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Beryllium, Total Recoverable (Intake)	Sample Measurement							
PARM Code 00998 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Cadmium, Total Recoverable (effluent)	Sample Measurement							
PARM Code 01113 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Cadmium, Total Recoverable (calculated limit)	Sample Measurement							
PARM Code 01113 P Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	Calculated

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY Scholz Electric Generating Plant

MONITORING GROUP NUMBER D-001
 MONITORING PERIOD From _____ To _____

PERMIT NUMBER: FL0002283-005-IW15

Parameter		Quantity or Loading	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Cadmium, Total Recoverable (effluent minus calculated limit) PARM Code 01113 Q Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				0.0 (Max.)	ug/L		Annually	Calculated
Cadmium, Total Recoverable (Intake) PARM Code 01113 7 Mon. Site No. INT-1	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Chromium, Total Recoverable PARM Code 01118 1 Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Chromium, Total Recoverable (Intake) PARM Code 01118 7 Mon. Site No. INT-1	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Copper, Total Recoverable (effluent) PARM Code 01119 1 Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Copper, Total Recoverable (calculated limit) PARM Code 01119 P Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	Calculated
Copper, Total Recoverable (effluent minus calculated limit) PARM Code 01119 Q Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				0.0 (Max.)	ug/L		Annually	Calculated
Copper, Total Recoverable (Intake) PARM Code 01119 7 Mon. Site No. INT-1	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Iron, Total Recoverable PARM Code 00980 1 Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				1.0 (Mo Avg) 1.0 (Day Max.)	mg/L		Annually	24-hr TPC
Iron, Total Recoverable (Intake) PARM Code 00980 7 Mon. Site No. INT-1	Sample Measurement								
	Permit Requirement				1.0 (Mo Avg) 1.0 (Day Max.)	mg/L		Annually	24-hr TPC
Lead, Total Recoverable (effluent) PARM Code 01114 1 Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	24-hr TPC
Lead, Total Recoverable (calculated limit) PARM Code 01114 P Mon. Site No. EFF-2	Sample Measurement								
	Permit Requirement				Report (Max.)	ug/L		Annually	Calculated

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Scholz Electric Generating Plant

MONITORING GROUP NUMBER: D-001
 MONITORING PERIOD: From _____ To _____

PERMIT NUMBER: FL0002283-005-IW15

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Lead, Total Recoverable (effluent minus calculated limit)	Sample Measurement							
PARM Code 01114 Q Mon. Site No. EFF-2	Permit Requirement			0.0 (Max.)	ug/L		Annually	Calculated
Lead, Total Recoverable (Intake)	Sample Measurement							
PARM Code 01114 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Mercury, Total Recoverable	Sample Measurement							
PARM Code 71901 1 Mon. Site No. EFF-2	Permit Requirement			Report (Day Max.)	ug/L		Annually	24-hr TPC
Mercury, Total Recoverable (Intake)	Sample Measurement							
PARM Code 71901 7 Mon. Site No. INT-1	Permit Requirement			Report (Day Max.)	ug/L		Annually	24-hr TPC
Nickel, Total Recoverable (effluent)	Sample Measurement							
PARM Code 01074 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Nickel, Total Recoverable (calculated limit)	Sample Measurement							
PARM Code 01074 P Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	Calculated
Nickel, Total Recoverable (effluent minus calculated limit)	Sample Measurement							
PARM Code 01074 Q Mon. Site No. EFF-2	Permit Requirement			0.0 (Max.)	ug/L		Annually	Calculated
Nickel, Total Recoverable (Intake)	Sample Measurement							
PARM Code 01074 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Selenium, Total Recoverable	Sample Measurement							
PARM Code 00981 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Selenium, Total Recoverable (Intake)	Sample Measurement							
PARM Code 00981 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Vanadium, Total Recoverable	Sample Measurement							
PARM Code 01128 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	mg/L		Annually	24-hr TPC
Vanadium, Total Recoverable (Intake)	Sample Measurement							
PARM Code 01128 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	mg/L		Annually	24-hr TPC

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Scholz Electric Generating Plant

MONITORING GROUP NUMBER: D-001
 MONITORING PERIOD: From _____ To _____

PERMIT NUMBER: FL0002283-005-1W15

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Zinc, Total Recoverable (effluent)	Sample Measurement							
PARM Code 01094 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Zinc, Total Recoverable (calculated limit)	Sample Measurement							
PARM Code 01094 P Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	ug/L		Annually	Calculated
Zinc, Total Recoverable (effluent minus calculated limit)	Sample Measurement							
PARM Code 01094 Q Mon. Site No. EFF-2	Permit Requirement			00 (Max.)	ug/L		Annually	Calculated
Zinc, Total Recoverable (Intake)	Sample Measurement							
PARM Code 01094 7 Mon. Site No. INT-1	Permit Requirement			Report (Max.)	ug/L		Annually	24-hr TPC
Hardness, Total (as CaCO ₃)	Sample Measurement							
PARM Code 00900 1 Mon. Site No. EFF-2	Permit Requirement			Report (Max.)	mg/L		Annually	24-hr TPC
Nitrogen, Total	Sample Measurement							
PARM Code 00600 1 Mon. Site No. EFF-2	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated
Nitrogen, Total (Intake)	Sample Measurement							
PARM Code 00600 7 Mon. Site No. INT-1	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated
Nitrogen, Total (Net)	Sample Measurement							
PARM Code 00600 P Mon. Site No. EFF-2	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated
Phosphorus, Total (as P)	Sample Measurement							
PARM Code 00665 1 Mon. Site No. EFF-2	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated
Phosphorus, Total (as P) (Intake)	Sample Measurement							
PARM Code 00665 7 Mon. Site No. INT-1	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated
Phosphorus, Total (as P) (Net)	Sample Measurement							
PARM Code 00665 P Mon. Site No. EFF-2	Permit Requirement	Report (An. Total)	lb/yr				Annually	Calculated

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-IW15
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT	Final
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	CLASS SIZE	MA
COUNTY OFFICE	Jackson Northwest District Branch (Panama City)	MONITORING GROUP NUMBER	I-012
		MONITORING GROUP DESCRIPTION	Ash Pond Discharge
		RE-SUBMITTED DMR	<input type="checkbox"/>
		NO DISCHARGE FROM SITE	<input type="checkbox"/>
		MONITORING PERIOD	From _____ To _____
		REPORT FREQUENCY PROGRAM	Monthly Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No Ex	Frequency of Analysis	Sample Type
Flow	Sample Measurement									
PARM Code 50050 P Mon Site No. OUI-3	Permit Requirement		Report (Day Avg)	MGD					Weekly	Calculated
Solids, Total Suspended	Sample Measurement									
PARM Code 00530 P Mon Site No. OUI-3	Permit Requirement				30.0 (Mo Avg)	100.0 (Day Max)	mg/L		Weekly	24-hr TPC
Oil and Grease	Sample Measurement									
PARM Code 00556 P Mon Site No. OUI-3	Permit Requirement				15.0 (Mo Avg)	20.0 (Day Max)	mg/L		Bi-weekly, every 2 weeks	Grab
pH	Sample Measurement									
PARM Code 00400 P Mon Site No. OUI-3	Permit Requirement			6.0 (Day Min)		9.0 (Day Max)	u.u.		Weekly	Grab

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FLD002283-005-IW15		
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT CLASS SIZE	Final MA	REPORT FREQUENCY PROGRAM	Annually Industrial
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	MONITORING GROUP NUMBER	I-012		
		MONITORING GROUP DESCRIPTION	Ash Pond Discharge		
		RE-SUBMITTED DMR	<input type="checkbox"/>		
		NO DISCHARGE FROM SITE	<input type="checkbox"/>		
COUNTY OFFICE:	Jackson Northwest District Branch (Panama City)	MONITORING PERIOD	From _____ To _____		

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No Ex	Frequency of Analysis	Sample Type
Nickel, Total Recoverable	Sample Measurement							
PARM Code 01074 P Mon. Site No. OUI-3	Permit Requirement			Report (Inst. Max.)	ug/L		Annually	Grab

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-IW15		
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT	Final	REPORT FREQUENCY	Monthly
FACILITY	Scholz Electric Generating Plant	CLASS SIZE	MA	PROGRAM	Industrial
LOCATION	1460 Gulf Power Road Sneads, FL 32460	MONITORING GROUP NUMBER	I-013	Domestic Wastewater Treatment Plant Effluent	
COUNTY	Jackson	RE-SUBMITTED DMR	<input type="checkbox"/>		
OFFICE	Northwest District Branch (Panama City)	NO DISCHARGE FROM SITE	<input type="checkbox"/>		
		MONITORING PERIOD	From _____	To _____	

Parameter	Sample Measurement	Quantity or Loading		Units	Quality or Concentration	Units	No Ex	Frequency of Analysis	Sample Type
		Report (Mo Avg.)	Report (Day Max.)						
Flow	Permit Requirement			MGD				Weekly	Meter
PARAM Code 50050 P Mon Site No OUI-4									

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME	Gulf Power Company	PERMIT NUMBER	FL0002283-005-IW1S		
MAILING ADDRESS	One Energy Place Pensacola, Florida 32520	LIMIT	Final	REPORT FREQUENCY	Quarterly
FACILITY LOCATION	Scholz Electric Generating Plant 1460 Gulf Power Road Sneads, FL 32460	CLASS SIZE	MA	PROGRAM	Industrial
COUNTY OFFICE	Jackson Northwest District Branch (Panama City)	MONITORING GROUP NUMBER	I-013	Domestic Wastewater Treatment Plant Effluent	
		RE-SUBMITTED DMR	<input type="checkbox"/>		
		NO DISCHARGE FROM SITE	<input type="checkbox"/>		
		MONITORING PERIOD	From _____	To _____	

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Biochemical Oxygen Demand 5	Sample Measurement							
PARM Code 00310 P Mon. Site No. OUI-4	Permit Requirement			25.0 (Mo. Avg.)	60.0 (Day Max.)	mg/L	Quarterly	Grab
Solids, Total Suspended	Sample Measurement							
PARM Code 00530 P Mon. Site No. OUI-4	Permit Requirement			30.0 (Mo. Avg.)	60.0 (Day Max.)	mg/L	Quarterly	Grab
Coliform, Fecal	Sample Measurement							
PARM Code 74055 Y Mon. Site No. OUI-4	Permit Requirement			200 (An Arith Mn.)		#/100mL	Quarterly	Grab
Coliform, Fecal	Sample Measurement							
PARM Code 74055 P Mon. Site No. OUI-4	Permit Requirement			200 (Mo Geo. Mn.)	800 (Max.)	#/100mL	Quarterly	Grab

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. Facilities who submit their DMR(s) electronically through eDMR do not need to submit a hardcopy DMR. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts—A, B, and D—all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted
DRY	Dry Well
FLD	Flood disaster
IFS	Insufficient flow for sampling
LS	Lost sample
MNR	Monitoring not required this period

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site
OPS	Operations were shutdown so no sample could be taken
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used, unless indicated otherwise in the permit or on the DMR.

- Results greater than or equal to the PQL shall be reported as the measured quantity.
- Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
- Results less than the MDL shall be reported by entering a less than sign (" $<$ ") followed by the laboratory's MDL value, e.g. <0.001 . A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.).

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number, however, if the monitoring group includes other monitoring locations (e.g. influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units. Data qualifier codes are not to be reported on Part A.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620 305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations
J	Estimated value, value not accurate
Q	Sample held beyond the actual holding time
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations
Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed
Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling
Time Sample Obtained: Enter the time the sample was taken
Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Data qualifier codes are not to be reported on Part D
Detection Limits: Record the detection limits of the analytical methods used
Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources
Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)
Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N)
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed
Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD)
Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements, one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit
Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1
No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio
CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge
TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge
Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data
Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data
No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year
Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.



U.S. Department of Justice

Environment and Natural Resources Division

90-1-24-04001

Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Telephone (202) 514-1442
Facsimile (202) 514-4231

VIA ELECTRONIC CASE FILING

August 10, 2015

Clerk's Office
United States District Court
Northern District of Florida
Tallahassee Division
United States Courthouse
111 N. Adams Street
Tallahassee, FL 32301

Re: *Apalachicola Bay and River Keeper, Inc., et al. v. Gulf Power Company*,
United States District Court for the Northern District of Florida, No.: 4:14-cv-268
MW/CAS

Dear Clerk of the Court:

I am writing to notify you that the United States has reviewed the proposed settlement agreement in the above-referenced case and does not object to its entry by this Court.

On June 26, 2015, the Citizen Suit Coordinator for the Department of Justice received a copy of the proposed consent judgment in this action for review pursuant to the Clean Water Act, 33 U.S.C. § 1365(c)(3). This provision provides, in relevant part:

No consent judgment shall be entered in an action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.

See also 40 C.F.R. § 135.5 (service on Citizen Suit Coordinator in the U.S. Department of Justice). A settlement that does not undergo this federal review process is at risk of being void.

In its review, the United States seeks to ensure that a consent judgment complies with the requirements of the relevant statute and is consistent with its purposes. *See Local 93, Int'l Ass'n of Firefighters v. City of Cleveland*, 478 U.S. 501, 525-26 (1986) (a consent decree should conform with and further the objectives of the law upon which the complaint was based). For example, if the defendant has been out of compliance with statutory or permit requirements, the proposed consent judgment should require the defendant to come into prompt compliance and should include a civil penalty, enforceable remedies, injunctive relief, and/or a supplemental

environmental project (SEP) payment sufficient to deter future violations, or combinations of the above.

The injunctive relief in the proposed settlement agreement requires the defendant to close all coal ash ponds at the Scholz Plant in accordance with the Essential Requirements for Ash Pond Closure Plan. The terms of that plan are outlined in Section I of the proposed settlement agreement and laid out in greater detail in Attachment 3 to the settlement agreement. Under the plan, the defendant must dewater the coal ash (coal combustion residuals or CCRs); construct a CCR dry storage area at an upland site and a cutoff wall that diverts groundwater flow around the area beneath the dry storage area; transfer the CCR in the lower ash pond to the dry storage area; transfer any CCR from the middle ash pond not already in the dry storage area; and take the steps needed to file for permits and approvals for a closure plan. As part of the last requirement, the defendant must provide plaintiffs with copies of all proposals, applications, and supporting documents relating to the closure plan submitted to the Florida Department of Environmental Protection (DEP). Although the parties expect and intend that DEP will approve the closure plan in a way that is consistent with the settlement agreement, the parties have agreed that if an approval is not consistent, the parties will negotiate in good faith as to alternate proposals.

Under Section VII.g. the defendant will pay \$130,000 to plaintiffs for attorneys' fees and expenses. The United States notes for the record that the settlement does not incorporate civil penalties, which are an available and typically appropriate remedy under the Clean Water Act.

Given the facts of this case, the United States does not object to the entry of the proposed consent judgment. We accordingly notify the Court of that fact.

The United States affirms for the record that it is not bound by this settlement. *See, e.g., Hathorn v. Lovorn*, 457 U.S. 255, 268 n.23 (1982) (Attorney General is not bound by cases to which he was not a party); *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Found. Inc.*, 484 U.S. 49, 60 (1987) (explaining that citizen suits are intended to "supplement rather than supplant governmental action"); *Sierra Club v. Electronic Controls Design*, 909 F.2d 1350, 1356 n.8 (9th Cir. 1990) (explaining that the United States is not bound by citizen suit settlements, and may "bring its own enforcement action at any time"); 131 Cong. Rec. S15,633 (June 13, 1985) (statement of Senator Chafee, on Clean Water Act section 505(c)(3), confirming that the United States is not bound by settlements when it is not a party). The United States also notes that, if the parties subsequently propose to modify any final consent judgment entered in this case, the parties should so notify the United States, and provide a copy of the proposed modifications, 45 days before the Court enters any such modifications. *See* 33 U.S.C. §1365(c)(3).

We appreciate the attention of the Court. Please contact the undersigned at (202) 305-0641 if you have any questions.

Sincerely,

/s/ Frederick H. Turner
Frederick H. Turner, Attorney
U.S. Department of Justice

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cc: Counsel of Record via ECF

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Environmental Cost**)
Recovery Clause)

Docket No.: 150007-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 28th day of October, 2015 to the following:

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