

CHAPTER 62-660 INDUSTRIAL WASTEWATER FACILITIES

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62-660.200 Intent and Definitions.

(1) Intent.

(a) It is the policy of the Department to encourage an applicant, prior to submittal of a permit application, to study and evaluate wastewater treatment alternative techniques and to discuss alternatives with the Department.

1. The Department encourages inclusion of relevant public health, economic, scientific, energy, engineering and environmental considerations in such evaluations. Each prospective wastewater facility shall be assessed on an individual basis.

2. The Department encourages environmentally acceptable alternatives which provide the most economic and energy efficient methods of complying with the requirements of this rule, and promote the beneficial re-use of treated effluents and residuals.

(b) The Commission, recognizing the complexity of water quality management and the necessity to temper regulatory actions with the realities of technological progress and social and economic well-being, nevertheless intends to prohibit any discharge of pollution that constitutes a hazard to human health.

(2) Definitions. Terms used in this chapter shall have the meaning specified below.

(a) "Conventional Pollutants" means five day biochemical oxygen demand (BOD5), total suspended solids (TSS), pH, oil and grease, and fecal coliforms.

(b) "Effluent", unless specifically stated otherwise, means treated wastewater flowing out of the treatment plant.

(c) "Effluent limitation" means any restriction established by the Department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents which are discharged from sources into the environment of the state.

(d) "Ground water" means water below the land surface in the zone of saturation where water is at or above atmospheric pressure.

(e) "Industrial wastewater" means wastewater not otherwise defined as domestic wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing.

(f) "Local program" means any county, municipality, or combination thereof that has established and administers a pollution control program approved by the Department in compliance with Section 403.182, F.S., as amended.

(g) "Modification" means any alteration, expansion, upgrade, extension, addition, or replacement of an existing wastewater facility for which a construction permit is required from the Department.

(h) "Percolation" means the generally vertical movement of water through soil or other unconsolidated medium to the water table and to lower aquifers where occurring.

(i) "Permittee" means the person or entity to which a permit for a wastewater facility is issued by the Department. The term "permittee" shall be functionally synonymous with the terms "owner" and "licensee", but shall not include licensed individuals (e.g., operators) unless they are the person(s) to whom a facility permit is issued by the Department. The term shall extend to a permit "applicant" for the purposes of this chapter. To the extent that this chapter imposes duties with respect to the construction, operation, maintenance or monitoring of a facility and for reporting to or securing permits from the Department, ultimate responsibility lies with the owner of the facility. Nevertheless, Chapter 403, F.S., creates joint and several liability for those responsible for violations.

(j) "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(k) "Technology-based effluent limitation (TBEL)" means a minimum waste treatment requirement, established by the Department, based on treatment technology. The minimum treatment requirements may be set at levels more stringent than that which is necessary to meet water quality standards of the receiving water body as set out specifically in other sections of this rule.

(l) "Treatment" means the use of any device, system, process or method for preventing, abating, reducing, treating, separating, recycling, reclaiming, reusing, recovering, or eliminating pollutants in industrial waste.

(m) "Wastewater" means the combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface runoff or leachate that may be present.

(n) "Wastewater facilities" means any or all of the following: the collection/transmission system, the treatment plant, and the disposal system.

(o) "Waters" shall be as defined in Section 403.031(3), F.S.

(p) "Water quality-based effluent limitation (WQBEL)" means an effluent limitation, which may be more stringent than a technology-based effluent limitation, that has been determined necessary by the Department to ensure that water quality standards in a receiving body of water will not be violated.

(q) "Water quality standards" means standards comprised of designated most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water use or classification, the Florida anti-degradation policy, and the moderating provisions contained in Chapters 62-3 and 62-4 of the F.A.C.

Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 11-27-89, Amended 4-2-90, 4-22-93, Formerly 17-660.200, Amended 12-11-96.

62-660.300 Exemptions.

(1) Exemptions to Provide for the Experimental Use of Wetlands for Low-Energy Water and Wastewater Recycling.

(a) To encourage experiments which are designed to lead to the development of new information regarding low-energy approaches to the advanced treatment of domestic, agricultural, and industrial wastes and to encourage the conservation of wetlands and fresh waters, the Secretary shall, upon petition of an affected person, and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order, for a period not to exceed five (5) years, specifically exempting certain sources of pollution which discharge into restricted areas of wetlands, as approved by the Secretary, from the water quality criteria contained in Rule 62-302.560, F.A.C., provided that:

1. The discharger affirmatively demonstrates that the wetlands ecosystem may reasonably be expected to assimilate the waste discharge without significant adverse impact on the biological community within the receiving waters;

2. Granting the exemption is in the public interest and will not adversely affect public health or the cost of public health or other related programs;

3. The public is restricted from access to the waters under consideration;

4. The waters are not used for recreation;

5. The applicant affirmatively demonstrates that presently specified criteria are unnecessary for the protection of potable water supplies or human health;

6. The exemption will not interfere with the designated use of contiguous waters; and

7. Scientifically valid experimental controls are provided by the applicant and approved by the Department to monitor the long-term ecological effects and waste recycling efficiency.

(b) The Petitioner shall affirmatively demonstrate those standards which the Petitioner believes more appropriately apply to the waters for which the exemption is sought.

(c) The Secretary shall specify, by Order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

(d) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(2) Exemption Providing Alternative Criteria for Existing Permitted Discharges Comprising the Principal Flow.

(a) The Secretary shall, upon the petition of one or more existing wastewater discharge sources for which a Department permit has been issued prior to the effective date of this rule, after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order for the duration of the petitioner's permit exempting waters of the state which are not used for potable water supplies, or recreation, and contain no significant population of fish and wildlife, from one or more Class III or Class IV criteria specified in the petition and substituting appropriate alternative criteria where the discharge of the Petitioner(s) comprised a majority of the flow, excluding runoff from storm drains and other wastewater discharges, during a substantial portion of the year preceding the effective date of this rule. Provided, however, that such Order shall be issued only after an affirmative demonstration by the Petitioner(s) of the following:

1. The waters for which exemption is sought are:

a. Wholly artificial and not a modified or channelized natural stream; or

b. Intermittent watercourses which, in the absence of runoff from storm drains and wastewater discharges, acts as tributaries only following the occurrence of rainfall and which normally do not contain contiguous areas of standing water; or

c. Are channelized or modified natural watercourses which were historically intermittent as described in b. above;

2. The waters are not used for potable water supplies, or recreation, and do not contain a significant population of fish or wildlife;

3. Reasonable assurance has been provided that the alternative criteria will adequately protect the designated uses of adjacent downstream waters;

4. The alternative criteria are not less stringent than the minimum standards prescribed for all waters at all times in Rule 62-3, F.A.C.;

5. The alternative criteria are in the public interest and there is no reasonable relationship between the economic, social, and environmental costs of compliance with existing criteria and the economic, social and environmental benefits of compliance;

6. Compliance with the alternative criteria will adequately protect present and future potable water supplies and human health;

7. Compliance with the alternative criteria will adequately protect the population of animals, plants, or aquatic life then utilizing the waters;

8. The waters are not lakes or ponds; and

9. Achievement of Class III standards would provide no reasonable expectation of future recreational use of the waters.

(b) The Secretary shall specify by Order the alternative criteria, if any, which the Secretary determines to have been demonstrated by the preponderance of the competent substantial evidence to be more appropriate than the Class III or Class IV criteria specified in the petition.

(c) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(3) Exemption for Existing Effluent Ditches.

(a) The Secretary or a Deputy Assistant Secretary shall, upon the petition of a wastewater discharger for whom a Department permit has been issued prior to the effective date of this rule, and after public notice and opportunity for public hearing, issue an Order for the duration of the petitioner's permit exempting waters of the state in an effluent ditch from all water quality criteria except those specified in Rule 62-3.051, F.A.C. In order to qualify for this exemption, the petitioner shall affirmatively demonstrate that:

1. The ditch is a wholly artificial man-made conveyance that was constructed as a part of the wastewater treatment process;

2. The ditch contains flowing water only when there is a discharge or immediately after rainfall;

3. The petitioner has legal control of the ditch and abutting land sufficient to restrict public access;

4. Migration of indigenous aquatic organisms into the ditch will be prevented; and

5. The ditch is not used for recreation and contains no significant population of fish or wildlife. "Significant population of fish or wildlife" shall mean the presence of commercially or recreationally important species or significant quantities of organisms which provide food for such species.

(b) The Department shall modify the Petitioner's permit, consistent with the Secretary's or Deputy Assistant Secretary's Order.

Specific Authority 403.051, 403.061, 403.087, 403.088 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 11-27-89, Amended 4-22-93, Formerly 17-660.300.

62-660.400 Effluent Limitations.

The following effluent limitations apply to plants and installations which discharge industrial wastes into waters of the state.

(1) Effluent Limitations Based on the Availability of Technology.

(a) Section 301 of Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), as amended, requires all existing point source discharges of pollutants to meet uniform technology-based effluent limitations as a minimum. Two levels of effluent limitations are established.

1. The first level is defined as "best practical control technology currently available" (BPT). FWPCA Section 301(b)(1)(A), 33 U.S.C.A. Section 1311(b)(1)(A). By no later than July 1, 1977, dischargers were required to apply BPT as defined by specific effluent limitations issued by the Administrator of the United States Environmental Protection Agency (EPA) pursuant to Section 304(b)(1).

2. The second level is defined as either "best available technology economically achievable" (BAT) or "best conventional pollutant control technology" (BCT). FWPCA Section 301(b)(2)(A) and 301(b)(2)(E) respectively. By March 31, 1989, dischargers of toxic pollutants as defined in Section 307 of FWPCA were required to apply BAT, as defined by effluent limitations issued by the Administrator pursuant to FWPCA Section 304(b)(2). Also by March 31, 1989, dischargers of conventional pollutants as defined in FWPCA Section 303(a)(4) were required to apply BCT as defined by effluent limitations issued by the Administrator pursuant to FWPCA Section 304(b)(4).

3. BCT is not an additional effluent limitation for industrial dischargers, but rather it replaces BAT for the control of conventional pollutants. BAT will remain in force for all non-conventional and toxic pollutants. Effluent limitations representing BCT may not be more stringent than BAT. In no case will BCT limitations be less stringent than BPT.

4. FWPCA Section 306 requires the Administrator to establish effluent limitations containing performance standards for new sources. For this purpose, "new sources" are defined as any source the construction of which commenced after the publication of proposed regulations prescribing standards for these sources. FWPCA Section 306(a)(2), 33 U.S.C.A. Section 1316(a)(2). After the effective date of new sources performance standards, it is a violation of the Federal Water Pollution Control Act to operate any new source in violation of such standards. FWPCA Section 306(e).

5. FWPCA Section 307(a) requires and authorizes the Administrator to establish and promulgate effluent limitations for toxic pollutants, which may include a prohibition of the discharge of such pollutants or combination of such pollutants. After the effective date of such effluent standards, it is a violation of the FWPCA to operate any source in violation of such standard or prohibition.

6. FWPCA Section 307(b) requires and authorizes the Administrator to establish and promulgate pretreatment standards for introduction of pollutants into publicly owned sewage treatment facilities which are not susceptible to treatment by such facilities or which would interfere with the operation of such treatment works.

(b) The objective of the FWPCA is to restore and maintain the chemical, physical and biological integrity of the nation's waters, and the Act established, as a national goal, that the discharge of pollutants into the navigable waters be eliminated by 1985, Section 101(a), FWPCA.

(c) The FWPCA preserves to each state the power to adopt or enforce any effluent standard or limitation respecting discharge of pollution or control or abatement of pollution which is stricter or more stringent than the comparable federal effluent limitation or standard, Section 510, FWPCA.

(d) Pursuant to the above sections of the FWPCA, the EPA has promulgated and prescribed effluent guidelines and standards (limitations) for new and existing point sources which discharge pollutants. Dischargers are required to comply with these regulations and NPDES permits issued pursuant to Section 402 of the Act must be conditioned upon requirements of Sections 301 and 306 (as well as certain other requirements).

(e) The Department has reviewed and evaluated the EPA effluent guidelines and standards which have been published as final regulations in the United States Code of Federal Regulations, and are in full force and effect on the date of adoption of this section. With respect to each particular class or category of sources as hereinafter listed, the following EPA Effluent Guidelines and Standards, as they are contained in the United States Code of Federal Regulations and are in effect on the date indicated, are incorporated herein, and adopted by the Department, except where expressly supplemented or modified by the Environmental Regulation Commission, and are incorporated by reference as though fully set forth herein:

EFFLUENT LIMITATIONS;
GUIDELINES
AND STANDARDS

U.S. CODE OF FEDERAL
REGULATIONS

1. Environmental Protection Agency General Provisions for Effluent Guidelines and Standards	40 C.F.R. 401 (Effective 9-24-93)
2. Dairy Products	40 C.F.R. 405 (Effective 6-29-95)
3. Canned and Preserved Fruits and Vegetables	40 C.F.R. 407 (Effective 6-29-95)
Citrus Products Subcategory	40 C.F.R. 407 Subpart C (Effective 6-29-95)
4. Canned and Preserved Seafood	40 C.F.R. 408 (Effective 6-29-95)
5. Sugar Processing	40 C.F.R. 409 (Effective 6-25-95)
6. Textiles	40 C.F.R. 410 (Effective 9-1-83)
7. Cement Manufacturing	40 C.F.R. 411 (Effective 6-29-95)
8. Feedlots (See Rule 62-670, F.A.C.)	40 C.F.R. 412 (Effective 4-14-03)
9. Electroplating	40 C.F.R. 413 (Effective 11-7-86)
10. Organic Chemicals, Plastics and Synthetic Fibers	40 C.F.R. 414 (Effective 8-23-93)
11. Inorganic Chemicals	40 C.F.R. 415 (Effective 9-25-84)
12. Soaps and Detergents	40 C.F.R. 417 (Effective 6-29-95)
13. Fertilizer Manufacturing	40 C.F.R. 418 (Effective 3-14-96)
14. Petroleum Refining	40 C.F.R. 419 (Effective 8-12-85)
15. Iron and Steel Manufacturing	40 C.F.R. 420 (Effective 11-18-02)
16. NonFerrous Metals	40 C.F.R. 421 (Effective 5-14-96)
17. Phosphate Manufacturing	40 C.F.R. 422 (Effective 8-22-86)
18. Steam Electric Power Generating (See paragraph 62-660.400(1)(q), F.A.C.)	40 C.F.R. 423 (Effective 7-8-83)
19. Ferroalloy Manufacturing	40 C.F.R. 424 (Effective 6-29-95)
20. Leather Tanning and Finishing	40 C.F.R. 425 (Effective 10-7-96)
21. Glass Manufacturing	40 C.F.R. 426 (Effective 6-29-95)
22. Asbestos Manufacturing	40 C.F.R. 427 (Effective 6-29-95)
23. Rubber Processing	40 C.F.R. 428 (Effective 6-29-95)
24. Timber Products	40 C.F.R. 429 (Effective 2-17-82)
25. Pulp, Paper and Paperboard	40 C.F.R. 430 (Effective 10-21-02)
26. Meat Products	40 C.F.R. 432 (Effective 6-29-95)
27. Metal Finishing	40 C.F.R. 433 (Effective 11-7-86)

28. Coal Mining	40 C.F.R. 434 (Effective 2-22-02)
29. Offshore Oil and Gas Extraction	40 C.F.R. 435 (Effective 6-20-01)
30. Mineral Mining and Processing (See Rule 62-671, F.A.C.)	40 C.F.R. 436 (Effective 6-29-95)
31. Centralized Waste Treatment	40 C.F.R. 437 (Effective 1-22-01)
32. Metal Products and Machinery Point Source Category	40 C.F.R. 438 (Effective 6-12-03)
33. Pharmaceutical Manufacturing	40 C.F.R. 439 (Effective 6-11-03)
34. Ore Mining and Dressing	40 C.F.R. 440 (Effective 1-3-89)
35. Transportation Equipment Cleaning	40 C.F.R. 442 (Effective 9-13-00)
36. Paving and Roofing Materials	40 C.F.R. 443 (Effective 6-29-95)
37. Hazardous Waste Combustors	40 C.F.R. 444 (Effective 11-22-00)
38. Landfills Point Source Category	40 C.F.R. 445 (Effective 2-18-00)
39. Paint Formulating	40 C.F.R. 446 (Effective 6-29-95)
40. Ink Formulating	40 C.F.R. 447 (Effective 6-29-95)
41. Gum and Wood Chemicals Manufacturing	40 C.F.R. 454 (Effective 6-29-95)
42. Pesticide Chemicals Manufacturing	40 C.F.R. 455 (Effective 10-20-98)
43. Explosives Manufacturing	40 C.F.R. 457 (Effective 6-29-95)
44. Carbon Black Manufacturing	40 C.F.R. 458 (Effective 6-29-95)
45. Photographic Processing	40 C.F.R. 459 (Effective 7-14-76)
46. Hospitals	40 C.F.R. 460 (Effective 6-29-95)
47. Battery Manufacturing Point Source Category	40 C.F.R. 461 (Effective 10-14-86)
48. Plastics Molding and Forming	40 C.F.R. 463 (Effective 4-30-85)
49. Metal Molding and Casting	40 C.F.R. 464 (Effective 6-16-86)
50. Coil Coating	40 C.F.R. 465 (Effective 1-31-85)
51. Porcelain Enameling	40 C.F.R. 466 (Effective 9-6-85)
52. Aluminum Forming	40 C.F.R. 467 (Effective 2-9-89)
53. Copper Forming	40 C.F.R. 468 (Effective 6-20-86)
54. Electrical and Electronic Components	40 C.F.R. 469 (Effective 1-31-85)
55. NonFerrous Metals Forming and Metal Powders	40 C.F.R. 471 (Effective 4-4-89)

(f) Copies of the above effluent limitations as published in the United States Code of Federal Regulations may be obtained by writing the United States Environmental Protection Agency, Washington, D.C.

(g) All Department permits issued pursuant to Sections 403.087 and 403.088, F.S., shall, as a minimum, require compliance with the above referenced effluent limitations. In establishing the effluent limitations contained in paragraph 62-660.400(1)(e), F.A.C., which define best practical control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), the United States EPA relied on the industry-wide information with respect to specific factors.

(h) In determining BPT, the following factors were considered:

1. Total costs of application of technology in relation to the effluent reduction benefits to be achieved from such application.
2. The age of equipment and facilities involved.
3. The process involved.
4. The engineering aspects of the application of various types of control techniques.
5. Process changes.
6. Non-water quality environmental impact (including energy requirements).
7. Such other factors as the Administrator deemed appropriate.

(i) The following factors were considered in determining BAT:

1. Age of equipment and facilities involved.
2. Process employed.
3. The engineering aspects of the application of various types of control techniques.
4. Process changes.
5. The cost of achieving such effluent reduction.
6. Non-water quality environmental impact (including energy requirements).
7. Such other factors as the Administrator of the EPA deemed appropriate.

(j) The following factors were considered in determining BCT:

1. Consideration of the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived.
2. A comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources.
3. Age of equipment and facilities involved.
4. Process employed.
5. The engineering aspects of the application of various types of control techniques.
6. Process changes.
7. The cost of achieving such effluent reduction.
8. Non-water quality environmental impact (including energy requirements).
9. Such other factors as the Administrator of the EPA deemed appropriate.

(k) It is possible that the above factors pertaining to a particular source or category of sources located within the state are fundamentally different from the industrywide factors considered by the EPA in establishing the limitations. If, based on a preponderance of competent substantial evidence, the Department determines that such fundamentally different factors exist in relation to a particular source, it may establish for such source, by order or permit condition, and after notice and public hearing, an effluent limitation which is more or less stringent than the EPA effluent limitation, to the extent dictated by such fundamentally different factors. In no case shall a Department permit contain an effluent limitation less stringent than one contained in an NPDES permit issued to a source by the EPA.

(l) All industrial sources which are included in those classes or categories of industry listed in paragraph 62-660.400(1)(e), F.A.C., shall comply with the applicable guidelines, standards and limitations in accordance with the time schedules contained therein. However, no source shall be relieved from complying with any pollution abatement plan or schedule, including a plant or process modification which is contained in any currently valid Department permit, or order or judicial judgment. However, this does not preclude modification of a Department permit, order, or judicial judgment in accordance with applicable rules and regulations.

(m) The effluent guidelines, standards, and limitations contained in paragraph 62-660.400(1)(e), F.A.C., represent minimum levels of treatment based upon available technology, and are not based on the quality of the waters which receive the industrial waste discharges. In accordance with Section 301(b)(1)(C) of the FWPCA, Section 403.088, F.S., and Chapter 62-650, F.A.C., more stringent effluent limitations may be required and applied by Department permits issued pursuant to Sections 403.087 and 403.088, F.S., in order to meet any applicable water quality standards.

(n) Minimum Treatment Requirements.

1. All sources of industrial waste reasonably expected to be sources of water pollution which are not contained in the classes or categories of sources contained in paragraph 62-660.400(1)(e), F.A.C., shall, as a minimum level of treatment, provide secondary waste treatment as required by Section 403.085, F.S. Such secondary treatment shall be applied against the total untreated waste produced by a given plant. For the purposes of this rule, "secondary treatment" shall be equivalent to "secondary treatment", as defined in subsection 62-600.420(1), F.A.C., and applicable to domestic waste (sewage) plants. A comparable degree of treatment for industrial waste not amenable to biological treatment will be determined and applied through the issuance of Department permits.

2. The minimum treatment requirement is unrelated to the quality of the water in the receiving water body. Under Chapter 62-650, F.A.C., more stringent limitations may be required and applied in order to meet and comply with any applicable water quality standards.

(o) Notwithstanding technology based effluent limitations contained in this section, industrial wastes discharged into ground waters shall receive treatment needed to comply with water quality standards contained in Chapter 62-520, F.A.C.

(p) All sources of industrial waste reasonably expected to be sources of pollution to Class G-II or G-IV waters, which are not contained in the classes or categories of sources contained in paragraph 62-660.400(1)(e), F.A.C., above, shall provide a minimum level of treatment such that the waste to be discharged does not affect the mechanical integrity of the well, does not jeopardize the integrity of the confining zone, and does not alter the hydrologic characteristics of the injection zone to the point of endangering underground sources of drinking water. The Department shall determine the level of pre-treatment required to maintain the water quality standards contained in Chapter 62-520, F.A.C., and to ensure that the operation is in compliance with the underground injection control requirements contained in Chapter 62-28, F.A.C. The pre-treatment level shall be set forth in the permit in accordance with Chapter 62-4, F.A.C.

(q) Discharges from steam electric generating plants existing or licensed by July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure:

1. That the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the make-up waters; or
2. That the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or
3. That the quality of noncooling system discharges which receive make-up water from a receiving body of water that does not meet applicable Department water quality standards is as high as the quality of the receiving body of water.

(2) Effluent Limitations Based on Water Quality Considerations.

(a) Pursuant to Section 403.061(11), F.S., and as required by the Federal Water Quality Act of 1965, Public Law 89-234, 79 Stat. 903, and Section 303 of the FWPCA, the Department has adopted water quality standards contained in Chapter 62-3, F.A.C., which have subsequently been approved by the EPA. The standards contain water quality criteria which are applicable to each classification of receiving waters. Section 403.088(2)(b), F.S., requires the Department to deny an application for a permit if it finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them.

(b) Section 301(b)(1)(C) and Section 302 of the FWPCA provide that all discharges of industrial wastes may be required to meet, in addition to technology based effluent limitations, more stringent limitations required to implement applicable state water quality standards established pursuant to the Act. This requirement is enforced and implemented through Section 309 and the National Pollutant Discharge Elimination System established by Section 402 of the Act.

(c) Pursuant to Sections 403.087 and 403.088, F.S., no wastes shall be discharged into waters of the state which will violate applicable state water quality standards or reduce the quality of the receiving waters below the criteria established for its respective classification contained in Chapter 62-3, F.A.C.

(d) The effluent limitations based on water quality standards shall be determined in accordance with Chapter 62-650, F.A.C., by application of accepted scientific methods based upon a consideration of the following:

1. The condition of the receiving body of water including present and future flow conditions and present and future sources of pollutants.

2. The nature, volume and frequency of the proposed discharge of waste including any possible synergistic effects with other pollutants which may be present in the receiving body of water.

Specific Authority 403.051, 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, 403.8055 FS. Law Implemented 403.021, 403.051, 403.061, 403.086, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 11-27-89, Amended 4-2-90, 4-22-93, Formerly 17-660.400, Amended 10-1-98, 12-2-03.

62-660.801 General Permit for a Wastewater Disposal System for a Laundromat.

(1) General Requirements.

(a) This rule authorizes a general permit for any person constructing or operating a wastewater disposal system for a laundromat designed and operated in accordance with this rule, provided that all the conditions of this rule are met.

(b) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(c) The permittee shall complete and submit DEP Form 62-660.900(4), Laundromat General Permit Notification Form, effective 1-2-91, which is adopted and incorporated herein by reference, and required information 30 days before use of this general permit. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400.

(d) Within 30 days after construction is complete, the engineer of record or another registered professional engineer shall certify to the Department, using DEP Form 62-660.900(2), Industrial Wastewater Facilities Certificate of Completion of Construction, that the permitted construction is complete and usable and that it was done in accordance with the plans submitted to the Department except when minor deviations were necessary. These deviations and the reasons for them shall be described in detail.

(e) There shall be no discharge of dry cleaning materials.

(f) This general permit does not relieve the permittee of the responsibility for obtaining any other permits required by the Department or any other federal, state, or local agency.

(g) The design volume of flow shall be less than 10,000 gallons per day. The design flow shall be determined by multiplying the maximum hourly rate by 12. The maximum hourly rate shall be based on the number of washing machines, the water used per cycle, and the maximum expected number of cycles per machine per hour.

(2) Treatment System Design Requirements. All design calculations and drawings shall be submitted with the notification form, DEP Form 62-660.900(4), Laundromat General Permit Notification Form. Either a trickling filter or a sand filter system shall be constructed using all of the components and the design criteria listed below. The chlorination and disposal system components and design criteria listed in subsections (3) and (4) of this rule are required of all systems.

(a) Trickling filter systems shall include, at a minimum, the following components:

1. A screen chamber that contains at least four non-corrosive screens: two 1/4-inch screens followed by two 1/8-inch screens.

2. A primary settling tank that provides a minimum of four hours' detention based on the maximum hourly rate.

3. A sump pump with an effective capacity equal to, or greater than, the maximum hourly rate.

4. A recirculation pump that provides a minimum recirculation ratio of 2:1, and that is piped to provide continuous dosing of the filter 24 hours per day.

5. The following design criteria, if the trickling filter uses rock media:

a. Crushed rock, slag, or an inert manufactured material that will pass through a 3 1/2-inch square screen and that will be retained on a 2-inch screen.

b. A filter depth of at least 6 feet.

- c. A hydraulic loading not to exceed 460 gallons per square foot per day.
- d. An organic loading not to exceed 1.24 pounds of BOD per cubic yard per day.
- 6. The following design criteria, if the trickling filter uses plastic filter media:
 - a. A filter depth based on expected performance.
 - b. A hydraulic loading not to exceed 1840 gallons per square foot per day.
 - c. An organic loading not to exceed 5 pounds of BOD per cubic yard per day.
- 7. A distribution system, such as a reaction type distributor, to provide uniform application of waste influent over the filter.
- 8. Underdrains sloped to prevent ponding and designed to provide adequate ventilation to allow a free flow of air through the filter.
 - 9. A secondary settling tank that provides a minimum detention of one hour at the maximum hourly rate.
- (b) Open sand filter systems shall include, at a minimum, the following components:
 - 1. A screen chamber that contains at least four non-corrosive screens: two 1/4-inch screens followed by two 1/8-inch screens.
 - 2. A primary settling tank that provides a minimum detention of four hours based on the maximum hourly rate.
 - 3. At least two filter beds, allowing alternate loading and resting of the beds, with a maximum filter loading of 4.5 gallons per day per square foot.
 - 4. A gravel base, placed in three layers, each at least six inches thick, over the underdrains. Suggested gradings for the three layers are: 1 1/2-inch to 3/4-inch; 3/4-inch to 1/4-inch; and 1/4-inch to 1/8-inch. Underdrains shall be sloped to the outlet, and spaced 10 feet on center. Alternate thicknesses and gradings for the gravel base may be used, provided the gravel base adequately supports the filter material, prevents the sand from entering the underdrains, and provides uniform flow over the gravel base and underdrains.
 - 5. At least 30 inches of clean sand placed over the gravel base. The effective size of the sand shall be between 0.31 and 0.45 millimeters and the uniformity coefficient shall not be greater than 3.5.
- (3) Chlorination Requirements.
 - (a) A chlorination tank shall be provided, designed for a minimum thirty minute contact time.
 - (b) A chlorine residual of at least 0.5 mg/l shall be maintained at all times.
- (4) Disposal System Requirements.
 - (a) The disposal of wastewater shall be to either an absorption field designed in accordance with Rule 62-610.550, F.A.C., or to a percolation pond designed in accordance with Rule 62-610.500, F.A.C. The design of the absorption field or percolation pond shall be based on the results of soil testing and mounding analysis as required in paragraphs (b) and (c) below.
 - (b) At a minimum, the following soil tests shall be conducted at the disposal site to simulate actual loading conditions during the design life of the absorption field or percolation pond and to determine the horizontal and vertical permeabilities of the underlying strata. These tests shall be conducted at a frequency of one test per 1000 square feet of disposal area.
 - 1. Double-ring infiltrometer tests.
 - 2. Soil borings to a depth of at least ten feet below the disposal site. Lithologic logs of each boring shall be provided, along with permeability test results from each distinct soil stratum encountered.
 - (c) Based on test results in paragraph (b) above, the applicant shall perform a mounding analysis as described in subparagraph 62-610.310(3)(c)8., F.A.C.

Specific Authority 403.051, 403.814 FS. Law Implemented 120.55, 403.051, 403.061, 403.087, 403.088, 403.814 FS. History—New 11-27-89, Amended 1-2-91, 4-22-93, Formerly 17-660.801, Amended 12-24-96.

62-660.802 General Permit for a Pesticide Waste Degradation System.

- (1) A general permit is hereby granted to any person for the construction and operation of a pesticide waste degradation system for the evaporation and degradation of pesticide rinse water generated in the cleaning of pesticide application equipment, which has been designed and is operated in accordance with the provisions of subsections 62-660.802(3)-(6), F.A.C., provided that all of the following conditions are met:
 - (a) There is no discharge of water or pesticide from the system to the surface or ground water, or to soil outside of the tank; and
 - (b) The owner of the system charges no fee for use of the system; and
 - (c) The owner of the system notifies the appropriate Department District Office within two working days in the event of a leak or spill in excess of twenty-five gallons associated with the facility or within thirty days in the event that the ownership of the facility is changed; and
 - (d) Permittee owns the land upon which the system is to be built or provides a copy of a legal agreement with the owner of the land which specifies that the land owner will be responsible for the proper operation and closure of the system; and
 - (e) The rinse water discharged to the system consists of dilute pesticide solutions generated from cleaning of the pesticide application equipment or from empty pesticide containers.
- (2) The general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C., and the following specific conditions:

(a) The system shall not be placed in the one hundred-year flood plain of a river; within one hundred feet of a lake, pond, wetland system or flowing stream; within seventy-five feet of a drinking water well; or within twenty-five feet of a property boundary.

(b) This permit does not relieve the permittee of the responsibility of obtaining a dredge and fill permit or any other permit where it is required by the Department, or any other local, county, state or federal agency.

(3) The system shall include, as a minimum, the components listed below, constructed of the materials specified or their equivalent or a superior material. Other components which enhance the operation of the system are not prohibited.

(a) A concrete wash down slab with a six mil or thicker plastic underliner and a drain that is connected to a tank meeting the requirements of paragraph 62-660.802(3)(e), F.A.C., below.

(b) A sump and pump combination to circulate water coming from the wash down slab to the tank, or a pipe with sufficient grade to carry water from the wash down slab to the tank. If a sump is used, it must be constructed of concrete with a six mil or thicker plastic underliner.

(c) An automatically activated alarm or pump cut-off switch that will be activated when the evaporation tank overfills.

(d) A low profile removable cover or a roof that prevents rainfall from reaching the wash down slab.

(e) An evaporation tank constructed of non-earthen material of sufficient structural strength to withstand the pressure of the contained soil and water.

(f) Tank media no less than eighteen inches in depth, consisting of a bottom layer of 1/4 to 3/4 inch gravel, a middle layer of soil, and a top layer of 1/4 to 3/4 inch gravel, each layer no less than six inches in thickness.

(g) A water distribution system consisting of an eight inch or greater diameter pipe extending from the bottom of the lower gravel bed to no less than six inches above the top of the tank. The pipe shall be perforated at the bottom to allow water flow into the gravel bed. The Department shall approve an alternative distribution system which provides equivalent or improved distribution and flow of water to the media.

(h) A clear fiberglass or plexiglass roof over the tank which extends over the one foot berm specified in paragraph 62-660.802(3)(i), F.A.C., below.

(i) A metal fence with a locking gate surrounding the tank that prevents unauthorized entry.

(j) If an above-ground tank is used, a concrete slab underneath the tank that is underlain by a six mil or thicker plastic liner and a slab or gravel bed underlain by a six mil or thicker plastic liner that extends up and over a one foot berm completely surrounding the slab or gravel bed.

(k) If an in-ground tank is used, a second, larger tank that completely encloses the tank containing the water and media, and is equipped with a continuously operating leak detection system and an automatically activated pump to transfer leakage back to the primary tank.

(l) If an in-ground tank is used, and placed in the saturated zone, suitable anchoring devices or structures are used to prevent flotation or dislodgement.

(m) If an accumulation or collection tank is used to accumulate rinse water prior to discharge to the evaporation tank, or collect excess rinse water when the evaporation tank is full, this tank shall be stationary and shall be connected by permanent piping to the evaporation tank, and be placed inside the one foot berm specified in Rule 62-660.802(3)(i), F.A.C., above. The tank or tanks shall have no more than a 1000 gallon capacity.

(4) The system shall have the following capacities and operating characteristics for the various components:

(a) The evaporation tank shall have enough surface area to evaporate in one month the volume of pesticide rinse water discharged to it that month and sufficient volume to hold one month's discharge of pesticide rinse water plus fifty percent. This volume shall be calculated using only the space above the media layer in the tank.

(b) The sump shall have enough capacity to hold drainage from the slab without running over.

(c) The pump capacity shall exceed the flow rate of the water supply used to clean equipment on the slab.

(d) The tank shall be located at least 75 feet from nearby structures to allow optimum airflow.

(e) If an above-ground tank is used, the tank shall be elevated a minimum of eight inches above an underlying slab to allow inspection for leaks.

(5) The system shall be operated in the following manner:

(a) Prior to the first discharge of pesticide rinse water to the system, clean water shall be added to the system, including the storage and evaporation tanks, and the system inspected for leaks.

(b) Water pumped or drained to the tank shall enter the media as described in paragraph 62-660.802(3)(f), F.A.C.

(c) If a sump is used it shall be pumped dry at the end of each working day.

(d) Vegetation shall not block air flow across the tank surface or obstruct inspection of the tank.

(e) If an in-ground tank is used, the leak detection system shall continuously operate and be checked for proper operation on a weekly basis.

(f) The evaporation tank and accumulation tank shall be inspected for leaks on a daily basis while in use.

(g) The evaporation tank shall not be filled to within one inch of its top edge during operation.

(h) An auxiliary tank shall be made available to transfer the contents of the evaporation tank or accumulation tank should either of these tanks develop a leak or need to be repaired. This tank may be portable.

(6) The system shall be dismantled and the media disposed of in the following manner:

- (a) The appropriate Department District Office shall be notified that the facility is to be dismantled.
- (b) Disposal of the media in the tank shall comply with 40 CFR 262 as adopted by Chapter 62-30, F.A.C.
- (c) Disposal of system components and media shall be in a manner that does not contaminate ground or surface water.
- (7) Details of recommended construction and operation can be found in the Institute of Food and Agricultural Sciences Bulletin No. 242. (Available from Institute of Food and Agricultural Sciences Editorial Department, G022 McCarty Hall, Gainesville, Florida 32611.)

Specific Authority 403.051, 403.814 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.814 FS. History—New 11-27-89, Amended 4-2-90, 4-22-93, Formerly 17-660.802.

62-660.803 General Permit for Car Wash Systems.

(1) Applicability.

(a) This rule authorizes a general permit for any person constructing or operating a car wash treatment, disposal, and recycle system, designed and operated in accordance with this rule, provided that all of the conditions of this rule are met.

(b) Any residential car wash, as defined below, discharging 4000 gallons or less of wastewater per week is exempt from the requirement to obtain this general permit or a Department industrial wastewater permit if all of the following requirements are met:

1. Wastewater is not discharged directly to surface waters or to ground waters through wells or sinkholes that allow direct contact with Class G-I or Class G-II ground waters as defined in Chapter 62-520, F.A.C.;

2. Best management practices (BMPs) are implemented to minimize run-off from, or run-on to, the site;

3. The facility maintains a 100 foot setback from public drinking water wells and a 75 foot setback from private drinking water wells;

4. The car wash discharges into:

a. A percolation system that incorporates a grassed swale or infiltration area capable of treating both the wastewater and the first half-inch of runoff from the impervious surface set aside for the car wash. Grit, oil or grease shall be prevented from leaving the retention area, and any trapped solids and oils shall be disposed of in accordance with subsection 62-660.803(4), F.A.C., or

b. An existing, permitted, stormwater treatment system, if the discharge will not violate any condition of the stormwater permit;

5. The wash equipment incorporates a method to determine wash water flows such as a meter or a non-reset type counter or similar device which measures the number of cycles and a control timer or similar device which limits the time of each cycle;

6. A sign is posted which contains, at a minimum, the following language: “NO ENGINE OR OUTBOARD MOTOR CLEANING OR REPAIRING, NO OIL CHANGING OR DUMPING, NO COOLANT FLUSHING”;

7. The owner of the facility notifies the Department in writing within 30 days of completion of construction that a car wash facility has been constructed pursuant to this exemption.

(c) Car washes that do not qualify for either a general permit or an exemption in accordance with this rule shall apply for an industrial wastewater permit or connect to a domestic wastewater treatment facility capable of treating the car wash wastewater.

(2) General Requirements.

(a) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(b) The permittee shall complete and submit DEP Form 62-660.900(5), Car Wash Recycle System General Permit Notification Form, effective 1-2-91, which is adopted and incorporated herein by reference, and required information 30 days before use of this general permit. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400.

(c) Within 30 days after construction is complete, the engineer of record or another registered professional engineer shall certify to the Department, using DEP Form 62-620.910(12), Notification of Completion of Construction, that the permitted construction is complete and usable and that it was done in accordance with the plans submitted to the Department except when minor deviations were necessary. These deviations and the reasons for them shall be described in detail.

(d) This general permit does not relieve the permittee of the responsibility for obtaining any other permits required by the Department or any other federal, state, or local agency.

(3) Definitions. Terms used in this rule shall have the meaning specified below.

(a) “Residential car wash” shall mean any facility located in a single-family or multi-family housing development, which is designed specifically for the purpose of vehicle washing.

(b) “Rinse water” for car wash recycle systems means the treated or fresh water sprayed on the car after washing.

(c) “Rollover car wash” means a car wash where the vehicle remains stationary while the washing, rinsing, waxing, and drying equipment passes over the car.

(d) “Spent process water” for car wash recycle systems means the water contained in the system (tanks, pumps, and piping) that is no longer suitable for use, because of the long-term build-up of salts or other contaminants.

(e) “Tunnel car wash” means a car wash where the vehicle is pulled through a building by conveyor or other means, passing through separate washing, rinsing, waxing, and drying areas.

(f) "Wand car wash" means a self-service car wash where the vehicle remains stationary and the car is washed using a high pressure stream of water from a hand-held wand.

(g) "Wash water" for car wash recycle systems means the water containing detergent used to remove dirt from the car.

(4) Prohibitions.

(a) This general permit shall not be valid for truck wash facilities.

(b) No engine degreasing solvents shall be used at the facility.

(c) No oil or engine coolant or other solid wastes shall be disposed of at the facility.

(d) There shall be no discharge of wastewaters from the treatment, disposal, or recycle system to surface waters.

(5) Specific Requirements.

(a) Spent process water shall be disposed of at a Department – permitted wastewater treatment facility or a pre-treatment facility connected to a Department – permitted wastewater treatment facility.

(b) Solids from sedimentation tanks and used filter material shall be disposed of at a Class I or II landfill authorized by the Department to accept solid wastes under Chapter 62-701, F.A.C.

(c) Any waste oil collected from oil/water separators shall be disposed of by a licensed used oil recycler in accordance with Chapter 62-710, F.A.C.

(d) Wand or rollover car wash systems using this general permit shall install and use a total recycle system that recycles both wash water and rinse water with no discharge of wastewater to waters of the state.

(e) All facilities that provide wax, add drying agents or other additives, or have water softening equipment shall install a total recycle system that recycles both wash water and rinse water, with no discharge of wastewater to waters of the state.

(6) Design Requirements. The car wash recycle system shall be designed and operated to prevent discharge to ground water and surface water except as described in paragraph (g) below.

(a) An oil/water separator shall be installed.

(b) A chlorination system shall be installed if the facility is creating an objectionable odor as defined in Rule 62-296.200, F.A.C.

(c) Recycling equipment, such as sedimentation tanks, filtration units, and pumps, shall have adequate capacity to handle maximum hourly flows based on expected usage and the size of the facility.

(d) Recycling equipment shall be maintained in accordance with the manufacturers' recommendations to ensure proper operation.

(e) Overhangs or other devices shall be installed on buildings to prevent stormwater from entering the recycle system.

(f) Curbs around wash bays or tunnel entrances shall be installed or bays or tunnels shall be elevated to prevent stormwater from entering the recycle system.

(g) Partial Recycle Systems. A tunnel car wash or other car wash that separates wash and rinse water and recycles wash water may dispose of excess rinse water to an absorption field system, provided that the following conditions are met:

1. Only rinse water shall be disposed of in the absorption field system. Wash water is prohibited from disposal.

2. The discharge of rinse water shall not exceed 2000 gallons per day to the absorption field.

3. The rinse water shall be treated in a settling tank having a minimum detention time of 90 minutes based on the maximum discharge rate.

4. The absorption field shall be designed, sized, and installed in accordance with the technical standards and criteria for absorption fields contained in Chapter 64E-6, F.A.C.

Specific Authority 403.051, 403.814 FS. Law Implemented 120.55, 403.051, 403.061, 403.087, 403.088, 403.814 FS. History--New 1-2-91, Amended 4-22-93, 5-19-94, Formerly 17-660.803, Amended 12-24-96.

62-660.804 General Permit for Sand and Limestone Mines.

(1) General Requirements. This rule authorizes a general permit for any person constructing or operating a sand or limestone mine designed and operated in accordance with this rule, provided that all of the conditions of this rule are met.

(a) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(b) A permittee for a sand or limestone mine general permit shall complete and submit to the Department DEP Form 62-660.900(6), Sand and Limestone Mine General Permit Notification Form, effective 1-2-91, which is adopted and incorporated herein by reference. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400. The general permit will become effective 30 days after Department receipt of the notification form, unless the Department notifies the permittee that the project does not qualify for a general permit.

(c) This general permit does not relieve the permittee of the responsibility for obtaining a wetlands resource permit or any other permits required by the Department or any other federal, state, or local agency.

(d) This general permit is not valid for phosphate, peat, or heavy mineral mining operations.

(2) Definitions. Terms used in this rule shall have the meaning specified below.

(a) "Limestone mine" means any mining operation in which the primary resource mined is composed principally of calcium or magnesium carbonate, which includes shell and coquina, along with the associated processing facility, water control system, and settling ponds.

(b) "Pollutants" mean any product defined as a pollutant in Section 206.9925, F.S.

(c) "Sand mine" means an area of land from which sand is being mined, along with the associated processing facility, water control system, and settling ponds.

(3) Information Requirements.

(a) The permittee shall submit a site plan, at a suitable scale, which clearly identifies the following:

1. Locations of discharges and receiving waters for storm events exceeding a 25-year, 24-hour storm event.
2. Existing and proposed areas to be mined.
3. Existing and proposed process wastewater storage areas.

(b) The facility shall have an exemption from ground water monitoring before use of this general permit.

(c) The facility shall have a permit under Chapter 373, F.S., for the Management and Storage of Surface Waters (MSSW), a consumptive use permit, or one or more letters of exemption from the Water Management District or delegated agency that has jurisdiction over the facility.

(d) The facility shall have filed a notice of mining or intent to mine with the Department of Environmental Protection.

(e) A Best Management Practices (BMP) Plan shall be developed and implemented for the facility. The BMP Plan shall prevent or minimize the potential for the release of pollutants to waters of the state from ancillary activities, including material storage areas, plant site runoff, in-plant transfer, process and material handling areas, and loading and unloading operations through plant site runoff, spillage or leaks, or drainage from raw material storage. The BMP Plan shall be subject to the following requirements:

1. The applicant shall maintain the BMP Plan at the facility and shall make the plan available upon request.

2. The BMP Plan shall be documented in narrative form, and shall include any necessary plot plans, drawings, or maps. The BMP Plan shall be prepared and certified by a professional engineer registered in the State of Florida and shall be reviewed by the plant engineering staff and the plant manager.

3. The BMP Plan shall identify areas, systems or components of the facility that have a potential for causing a release of pollutants to waters of the state, due to equipment failure, improper operation, or natural phenomena such as extreme rain or winds.

4. The plan shall include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of equipment failure, improper operation, or natural phenomena such as extreme rain or winds.

5. The BMP Plan shall establish specific preventative and remedial procedures to prevent pollutants from reaching waters of the state in amounts which will cause violation of water quality standards.

6. The BMP Plan shall be modified as necessary whenever there is a change at the facility which increases the potential for the release of pollutants to waters of the state.

(4) Design Requirements.

(a) A professional engineer registered in the State of Florida shall certify that the sand or limestone mine is designed to recycle process wastewater and contain process wastewater and runoff from storm events up to a 25-year, 24-hour storm event.

(b) All earthen dams storing process wastewater and runoff above grade shall be constructed and maintained in accordance with good engineering practices.

(c) The mine shall be reasonably designed and maintained to prevent entry of unauthorized personnel.

(5) Operational Requirements.

(a) There shall be no discharge to surface waters except as a result of storms exceeding a 25-year, 24-hour storm event.

(b) No chemicals, except water conditioners or pH adjusters which have been approved by the Department as not adversely affecting the quality of the water contained in the mine, shall be added to the process water used for transporting, washing or processing of the sand or limestone.

Specific Authority 403.051, 403.814 FS. Law Implemented 120.55, 403.051, 403.061, 403.087, 403.814 FS. History—New 1-2-91, Amended 4-22-93, Formerly 17-660.804, Amended 12-24-96.

62-660.805 General Permit for Disposal of Tomato Wash Water.

(1) General Requirements.

(a) This rule authorizes a general permit for any person constructing or operating a treatment and disposal system for wash water from the packaging of fresh market tomatoes with a wash tank discharging between 5,000 and 50,000 gallons per day, provided that all of the conditions of this rule are met.

(b) Any tomato wash water disposal system with a wash tank discharging less than 5,000 gallons per day is exempt from the requirement to obtain a Department industrial wastewater permit if:

1. The disposal of the systems wash water does not cause a violation of any Department standard for surface or ground water quality, and

2. Wash water is not discharged directly to surface waters or to ground waters through wells or sinkholes that allow direct contact with Class G-I or Class G-II ground waters.

(c) Tomato wash water disposal systems discharging greater than 50,000 gallons per day, or systems not otherwise complying with the requirements of this rule, must obtain a standard Department industrial wastewater discharge permit.

(d) Tomato wash water disposal systems that discharge to publicly or privately owned wastewater treatment facilities permitted by the Department are exempt from Department industrial wastewater permitting and the requirements of this rule.

(e) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(f) The permittee shall complete and submit DEP Form 62-660.900(7), Tomato Wash Water Disposal General Permit Notification Form, effective 1-8-92, which is adopted and incorporated herein by reference, and the information required by that form 30 days before use of this general permit. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400.

(g) Within 30 days after construction is complete, the engineer of record or another registered professional engineer shall certify to the Department, using DEP Form 62-660.900(2), Industrial Wastewater Facilities Certificate of Completion of Construction, that the permitted construction is complete and usable and was done in accordance with the plans submitted to the Department except when minor deviations were necessary because of site-specific conditions. These deviations and the reasons for them shall be described in detail.

(h) This general permit does not relieve the permittee of the responsibility for obtaining any other permits required by the Department or any other federal, state, or local agency.

(2) Definitions. Terms used in this rule shall have the meaning specified below.

(a) "Cull tomatoes" means tomatoes that are removed from the packaging process because of damage or other reasons that make the tomatoes unsuitable for packaging.

(b) "Land application site" means an area of land used for treatment and disposal of wastewater by spray irrigation at predetermined rates necessary to prevent degradation of ground and surface waters.

(c) "Shallow water supply well" means any potable water well which pumps water from an unconfined water table aquifer.

(d) "Wash water" means the water used to clean and transport tomatoes before packaging.

(e) "Wash tank" means a tank used to collect and hold wash water.

(3) Prohibitions.

(a) This general permit shall not be valid for tomato canning facilities.

(b) Runoff from the land application site to surface waters of the state is prohibited from all storm events up to and including a 10-year, 1-hour storm event.

(4) Pre-treatment Design and Operation Requirements.

(a) Tomato wash water disposal systems shall include a screening system or a sedimentation system that filters out leaves, twigs, and other floating objects to prevent clogging of the spray nozzles.

(b) The permittee shall dispose of solids from the screening or sedimentation systems with cull tomatoes or in an approved landfill or solid waste management facility.

(5) Land Application Site Design Requirements.

(a) The hydraulic loading rate of the land application site shall be no more than 0.66 inches per day. The hydraulic loading rate shall not cause toxicity to the cover crop.

(b) At the land application site there shall be a minimum unsaturated depth to the water table of 18 inches during the operational season as determined by soil surveys or by a Professional Engineer or Professional Geologist. If there is not a minimum unsaturated depth of 18 inches, percolation tests shall be conducted at the site to assure that the proposed hydraulic loading rate will not cause ponding and that aerobic conditions will be maintained in the grass cover crop root zone.

(c) A minimum setback distance of ten feet shall be maintained between the wetted perimeter and the permittee's property boundary.

(d) The wetted perimeter shall not be located within 100 feet of shallow water supply wells or Class I surface waters.

(e) The land application site shall be graded and bermed as necessary to prevent runoff of stormwater resulting from all storm events up to and including a 10-year, 1-hour storm event.

(f) A minimum of ten spray nozzles shall be used per wetted acre of land. Spray nozzles shall be designed to promote volatilization of the wash water and to minimize spray drift off the land application site.

(6) Land Application Site Operation and Maintenance Requirements.

(a) A cover crop of grass shall be maintained at the land application site to aid in maintaining aerobic conditions, promoting the decomposition of waste, and maintaining infiltration rates. The grass cover crop shall be mowed regularly during the operating season to prevent matting of the grass.

(b) The land application site shall be operated to prevent ponding of the spray wash water.

(c) Routine maintenance of spray heads, risers, or other distribution equipment shall be performed as needed to ensure optimal operation.

(7) Record Keeping. The permittee shall keep records of the number of days and the dates of operation of the land application site each year, the volume of wash water disposed of each day, and the amount of tomatoes (in boxes, pounds, or tons) processed each week. The records shall be kept for five years and made available to the Department upon request.

62-660.806 General Permit for Disposal of Fresh Citrus Fruit Wash Water.

(1) General Requirements, Conditions and Applicability.

(a) This rule authorizes a general permit for any person constructing or operating a wastewater treatment and sprayfield land application effluent disposal system for wash water from fresh citrus fruit packinghouses as defined in paragraph 62-660.806(2)(c), F.A.C. This general permit applies to facilities that generate more than 5,000 gallons per day of wash water during the operating season, provided that all of the conditions of this rule are met. Ground water monitoring shall not be required for facilities covered under this rule.

(b) Any facility generating less than 5,000 gallons per day during the operating season is exempt from the requirement to obtain this General Permit or a Department industrial wastewater permit if all of the following requirements are met:

1. Wastewater is not discharged directly to surface waters or to ground waters through wells or sinkholes that allow direct contact with Class G-I, F-1 or G-II ground waters as defined in Chapter 62-520, F.A.C.;

2. The disposal of the facility's wastewater does not cause or contribute to a violation of surface water and/or ground water quality standards;

3. There is a 100-foot setback between the wetted perimeter and the facility's property boundary;

4. Best Management Practices (BMPs) are implemented to minimize ponding or runoff from the land application site and ensure proper maintenance of the sprayfield;

5. Records are maintained in accordance with subsection 62-660.806(6), F.A.C.

(c) This general permit is not applicable to fresh citrus packinghouses engaged in other auxiliary operations such as citrus juicing that commingle their waste streams with wash water. Facilities that utilize percolation ponds, other types of land application disposal, or a sprayfield type of land application not otherwise complying with the requirements of this rule, are not covered by this general permit. These facilities shall:

1. Obtain an individual wastewater permit in compliance with Chapter 62-620, F.A.C.;

2. Obtain a "Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds" in accordance with subsection 62-621.500(1), F.A.C.;

3. Meet the provisions of paragraph 62-660.806(1)(b), F.A.C.; or

4. Obtain an exemption from permitting pursuant to Rule 62-4.040, F.A.C.

(d) Facilities that discharge to a Department approved domestic wastewater collection system are not required to obtain an industrial wastewater permit and are not subject to the requirements of this rule. Refer to Chapter 62-604, F.A.C., Collection Systems and Transmission Facilities, for the need to obtain a permit under that chapter.

(e) This general permit does not relieve the permittee of the responsibility for obtaining any other permits required by the Department or any federal, state, local agency, or authority.

(f) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(g) The permittee shall complete and submit DEP Form 62-660.806(1)(g), Notification Form To Use General Permit For Land Application of Fresh Citrus Packinghouse Wash Water Effluent, effective May 10, 2005, which is adopted and incorporated herein by reference, and the information required by that form 30 days before use of this general permit. Form 62-660.806(1)(g) shall be signed and sealed by a professional engineer registered in the State of Florida in accordance with Chapter 471, F.S. This form may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department's website.

(h) Within 30 days after construction of a new facility being complete, the engineer of record or another registered Professional Engineer shall certify to the Department, using DEP Form 62-620.910(12), Industrial Wastewater Facilities Certificate of Completion of Construction, that the permitted construction is complete and usable and was done in accordance with the plans submitted to the Department except when minor deviations were necessary. These deviations and the reasons for them shall be described in detail.

(2) Definitions. Terms used in this rule shall have the meaning specified below:

(a) "Cull fruit" means citrus fruit that is removed from the packaging process because of damage or other reasons that make the citrus fruit unsuitable for packaging.

(b) "Existing fresh citrus fruit packinghouse" or "existing facility" means a packinghouse which was in operation on or before May 10, 2005.

(c) "Fresh citrus fruit packinghouse" or "facility" means a facility whose primary purpose is to wash, disinfect, sort, and package fresh citrus fruit and is assigned Standard Industrial Classification (SIC) Code 0723.

(d) "Land application site" means an area of land used for treatment and disposal of wash water and solids.

(e) "New fresh citrus fruit packinghouse" or "new facility" means a packinghouse which was constructed or placed into operation after May 10, 2005, or to an existing facility to which a substantial modification was made after May 10, 2005.

(f) "Operating season" is the period of operation for citrus packinghouse facilities.

(g) "Percolation pond" means an impoundment, either above or below the natural land surface that is designed to percolate wash water.

(h) "Private drinking water supply well" means a well serving private or multifamily water systems as defined in Rule 62-532.200, F.A.C.

(i) "Public drinking water supply well" means a well serving a public water system as defined in Rule 62-550.200, F.A.C.

(j) "Solids" means leaves, twigs and other objects.

(k) "Sprayfield" means a land application site where spray irrigation of a grass cover crop or a citrus grove is utilized for treatment and disposal of wash water at predetermined application rates necessary to prevent degradation of surface water and groundwater.

(l) "Wash water" means the water used to wash, disinfect, and apply a protective wax to fresh citrus fruit before packaging.

(3) Prohibitions.

(a) Discharge from any land application site to surface waters of the state is not authorized by this permit.

(b) Discharge from any land application site shall not cause or contribute to a violation of surface water and/or ground water quality standards.

(c) No discharge of wastes or wastewater other than wash water generated by the operations defined as fresh citrus fruit packinghouses in paragraph 62-660.806(2)(c), F.A.C., shall be disposed of in sprayfields authorized by this permit. This prohibition includes, but is not limited to, stormwater, sanitary wastewater generated by employees of the facility, wastewater generated by washing or maintaining mobile equipment, or wastewater generated by ancillary operations.

(4) Solids Management.

(a) The permittee shall dispose of solids from the screening or sedimentation system with cull fruit in an approved landfill or solid waste facility. Alternatively, the permittee may apply solids to a land application site in accordance with subsection 62-660.806(5), F.A.C., below.

(b) Culled fruit shall be managed in such a manner that no contact stormwater shall be produced or discharged to the disposal system or waters of the State.

(5) Design and Operation Requirements.

(a) The hydraulic loading rate of the land application site shall be no more than 2.00 inches per week during the period of operation. The hydraulic loading rate shall not cause toxicity to the cover crop or have adverse impacts on the soil so as not to sustain a cover crop.

(b) The land application site shall be operated to prevent ponding or runoff.

(c) When the sprayfield land application site is in use, there shall be a minimum unsaturated depth to the seasonal high water table of 18 inches as determined by soil surveys and by a Professional Engineer or Professional Geologist. If there is not a minimum unsaturated depth of 18 inches, percolation tests shall be conducted at the site to assure that the proposed hydraulic loading rate will not cause ponding and that aerobic conditions will be maintained in the root zone. Results from the percolation tests shall be kept in accordance with subsection 62-660.806(6), F.A.C., below and provided to the Department upon request for coverage under this General Permit.

(d) A minimum storage capacity shall be provided to assure the retention of the wastewater under adverse weather conditions, harvesting conditions, maintenance of irrigation equipment, or other conditions that preclude land application. Storage capacity can be achieved through tanks or lined ponds. If the storage volume is not provided, the facility shall be capable of ceasing operation during wet weather. Application of wash water may continue during periods of rainfall provided all other conditions in subsection 62-660.806(5), F.A.C., are met. However, should ponding or runoff occur, the permittee shall cease operations or store wash water in tanks or lined ponds for land application during subsequent dry periods.

(e) All sprayfield land application sites shall maintain a minimum setback distance of 100 feet between the wetted perimeter and the property line.

(f) A minimum setback distance of 500 feet shall be maintained between the wetted perimeter and public drinking water supply wells existing prior to the date of initial coverage under this permit. In addition a minimum setback distance of 500 feet shall be maintained between the wetted perimeter and Class I & II surface waters.

(g) New facilities shall maintain a minimum setback distance of 75 feet between the wetted perimeter and private drinking water supply wells existing prior to the date of initial coverage under this permit.

(h) All land application sites shall be graded and bermed, as necessary, to prevent runoff of storm water resulting from all storm events up to and including a 10-year, 24-hour storm event.

(i) Spray nozzles shall be designed to provide uniform distribution of the wash water and to minimize spray drift off the land application site.

(j) The cover crop of grass or citrus fruit shall be sufficient to aid in maintaining aerobic conditions and infiltration rates, promoting plant uptake of nutrients, and providing for evapotranspirative consumption.

(k) Routine maintenance of spray heads, risers, or other distribution equipment shall be performed as needed to ensure optimal operation.

(l) The screening system or sedimentation system shall be designed and operated to filter out solids.

(m) The collection sewer and sump shall be designed and operated to prevent overflows.

(6) Recordkeeping.

(a) The permittee shall keep records of the number of days and the dates of operation of the land application site each year, the volume of wash water disposed of each week, and the amount of citrus fruit (in boxes, pounds, or tons) processed each week.

(b) The permittee shall keep records of the maintenance performed to ensure proper operation of the sprayfield, including at a minimum those in paragraph 62-660.806(5)(k), F.A.C., above.

(c) The permittee shall keep records of solids land applied on-site or transferred to other persons. The record shall include the approximate amount of solids applied on-site, or in case of transfers, recipient's name and address, and location of disposal, if known.

(d) The records shall be kept for five years and made available to the Department upon request.

(7) Duty to Request Continued Coverage.

(a) Coverage under this general permit is limited to a term not to exceed five years from the effective date of coverage.

(b) The permittee may request continued coverage under this general permit in accordance with the requirements contained in paragraph 62-660.806(1)(g), F.A.C., above. Request for continued coverage shall be made at least 30 days before expiration of the current coverage.

Specific Authority 403.051, 403.814 FS. Law Implemented 120.55, 403.051, 403.061, 403.087, 403.088, 403.814 FS. History—New 5-10-05.

62-660.820 General Permit for Fish Farms.

(1) Intent/Purpose. This rule authorizes a general permit for any person constructing or operating a fish farm designed and operated in accordance with this rule, if all the conditions of this rule are met. For the purposes of wetland resource permitting requirements, production units and required detention facilities shall not be considered waters of the state if they are constructed entirely outside of waters of the state and are separated from waters of the state by a control structure.

(2) Definitions. Terms used in this rule shall have the meaning specified below.

(a) "Control elevation" means the lowest water level at which a control structure discharges.

(b) "Detention facility" means any facility designed to temporarily store production unit discharge waters so as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the water.

(c) "Fee-fishing operations" means facilities where the public is charged a fee to harvest fish by hook and line.

(d) "Fish farm" means any facility where fish are grown for commercial, research, or stock enhancement purposes in fresh water with a chloride concentration less than 1500 milligrams per liter.

(e) "Lake" means any of the water bodies listed in the *Gazetteer of Florida Lakes* (1982), which is incorporated herein by reference.

(f) "Non-native fish" means the marine fish species listed as "non-indigenous marine animals" in Section 370.081, F.S., and the freshwater fish species not indigenous to the waters of Florida as determined through review of the *Atlas of North American Freshwater Fishes* (1980), which is incorporated herein by reference.

(g) "Pond" means any excavation or impoundment designed to hold water, including production ponds, detention facilities, and retention facilities.

(h) "Production unit" means any pond or tank where fish are cultured for commercial purposes, excluding the containers used in hatchery and shipping operations.

(i) "Prohibited species" means the fish species listed as "prohibited freshwater non-native aquatic species" in subsection 68A-23.008(3), F.A.C., of the Game and Fresh Water Fish Commission (GFC) and the fish species listed as "non-indigenous marine animals" in Section 370.081, F.S.

(j) "Registered chemical" means any available commercial product bearing an Environmental Protection Agency (EPA) or a Food and Drug Administration (FDA) label specifying the allowed aquatic use of the product, or bearing a Florida Department of Agriculture and Consumer Services (DACS) special local need registration number.

(k) "Restricted species" means the species listed as "restricted freshwater non-native aquatic species" in subsection 68A-23.008(2), F.A.C., of the GFC.

(l) "Retention facility" means any facility designed to prevent the release of all production unit discharges into surface waters of the state by complete on-site storage, while retaining the runoff and direct rainfall from an event up to and including a 25-year, 24-hour storm.

(3) Exempt Operations. The types of aquaculture operations set forth in paragraphs (a)-(c) below are exempt from Department industrial wastewater permitting requirements if the farm's discharge does not cause or contribute to new violations of water quality standards or to continuation of existing violations and the farm does not discharge to Outstanding Florida Waters (OFWs).

(a) Fee-fishing operations with a standing crop of less than 1000 pounds of fish per acre.

(b) Fish farms that grow only native fish, have less than ten acres of production ponds, and produce less than 10,000 pounds of fish per year.

(c) Fish farms that produce less than 10,000 pounds of fish per year and do not discharge production unit waters to surface waters of the state.

(4) Excluded Operations. This general permit shall not be valid for the types of aquaculture operations set forth in paragraphs (a)-(h) below. The exclusions apply to both new and existing operations except as otherwise specifically provided below. Excluded operations shall apply for a permit to construct or operate an industrial wastewater treatment facility as described in Chapters 62-4 and 62-660, F.A.C.

(a) Fish farms with flow-through or raceway production systems or with individual production units which, excluding storm-induced discharges, discharge to surface waters of the state more than 30 days per year. This exclusion does not apply to farms that discharge to surface waters of the state only from fish hatchery facilities and fish shipping facilities.

(b) Fish farms with any ponds or production units constructed in areas that are waters of the state on or after April 30, 1992. This exclusion shall not apply if the construction was performed under a Department or water management district wetland resource permit.

(c) Fish farms with any production ponds constructed after April 30, 1992 using ponds formed by impounding surface waters of the state.

(d) Fish farms with any ponds connected to Class G-I or G-II (Chapter 62-3, F.A.C.) aquifers through wells or sink holes.

(e) Fish farms growing or holding prohibited species of fish.

(f) Fish farms that, within a contiguous tract of land owned or controlled by one person or corporation, have more than 300 acres of production ponds.

(g) Fish farms that discharge either production unit waters or detention pond waters directly to lakes, estuaries, Class I, Class II, or OFWs, or indirectly to these waters through intermittent water bodies if no dilution occurs prior to confluence. This exclusion for dischargers to OFWs shall not apply if the fish farm existed before designation of the waters as an OFW and has not increased its production or its discharge to the OFW after designation of the water as an OFW.

(h) Fish farms that discharge to surface waters of the state more than 30 days per year and produce more than 100,000 pounds of fish per year, or are otherwise required to obtain a National Pollutant Discharge Elimination System permit.

(5) Existing Fish Farms.

(a) Fish farms constructed before April 30, 1992 are exempt from the design requirements listed in paragraphs 62-660.820(7)(a) and (b), F.A.C., and the operational requirements listed in subparagraph 62-660.820(8)(h)1. and paragraph (i), F.A.C., if they meet all other conditions of this rule and either the criteria listed in subparagraphs 1. and 2. of this paragraph or the criteria listed in subparagraph 3. of this paragraph.

1. All production unit discharges must be routed to a detention facility designed and constructed to provide at least a one-day residence time for all production unit discharges, a retention facility, or an on-site ditch system such that the suspended solids resulting from production unit drainage and cleaning activities are retained on site.

2. Fish farms using ditch systems must meet the following criteria:

a. There must be at least 100 linear feet of ditch between the entry point of any production unit discharge and the point of discharge from the ditch to waters of the state.

b. The ditch must be constructed and maintained to provide at least one square foot of ditch cross-section for each acre-foot of peak daily production unit discharge.

c. There must be a control structure at the point of discharge to waters of the state. The control structure must be designed and constructed to provide a minimum of one foot of separation between the control elevation and the seasonal high water table as reported in the appropriate Soil Conservation Service (SCS) soil survey, or as determined in a site-specific determination.

d. The ditch system must be maintained to provide at least one foot of vertical separation between the ditch bottom and the control elevation.

e. For fish farms using hydraulic methods to wash accumulated sediments from pond bottoms, the standing crop for the farm must always average less than 500 pounds of fish per acre of production ponds and no individual production pond may be larger than 0.5 acres in surface area.

3. All production pond drawdown operations shall be conducted as follows:

a. Production pond drawdowns must not be conducted concurrent with or within five days following harvesting activities that disturb bottom sediments.

b. Pond waters must be discharged only from the surface of the pond.

c. Discharge of the last foot of pond water depth must not be conducted during or within one day following rain storms.

d. Hydraulic methods must not be used to wash accumulated sediment from pond bottoms.

e. If discharged off-site, pond waters must be transported off-site using a vegetated ditch or swale.

(b) The exemption provided in paragraph 62-660.820(5)(a), F.A.C., does not apply to any new production unit construction at existing fish farms.

(6) General Requirements.

(a) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(b) An applicant for a fish farm general permit shall complete and submit to the Department Form 62-660.900(8), Fish Farm General Permit Notification Form, effective 4-14-94, which is adopted and incorporated herein by reference, or in a geographical area where the Department has delegated permitting authority for this general permit, application shall be made under the rules of the entity receiving the delegation. Pond culture fish farms existing prior to April 30, 1992, must submit this form and supporting documents or the appropriate alternative application form by April 30, 1993. Tank culture fish farms existing prior to April 14,

1994, must make the submittal by April 14, 1995. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400. The general permit will become effective 30 days after Department receipt of the completed notification form, unless the Department notifies the applicant that the project does not qualify for a general permit.

(c) This general permit does not relieve the permittee of the responsibility for obtaining other permits or licenses required by the Department or any other federal, state, or local agency. For example:

1. Water management districts require a Management and Storage of Surface Waters (MSSW) permit unless a fish farm is exempt from Chapter 373, Part IV, F.S., or applicable water management district rule.

2. The Game and Fresh Water Fish Commission may require fish farms growing non-native fresh water fish to obtain licenses or permits to possess the non-native species.

3. The Department requires fish farms growing non-native marine fish to obtain licenses or permits to possess the non-native species. Documentation of the appropriate license or permit shall be provided as part of the general permit notification form.

4. The Department requires a wetland resource permit for a pond, production unit, or associated culture facility constructed in any area determined to be waters of the state pursuant to Chapter 403, F.S. Documentation of appropriate wetland resource permitting shall be provided as part of the general permit notification form.

5. An industrial wastewater permit from the Department may be required if fish processing is conducted at a fish farm.

(7) Design Requirements.

(a) Pond Construction. All ponds shall be designed and constructed in accordance with the standards established by the SCS for excavated and embankment ponds. The standards are contained in SCS Standards and Specifications for *Ponds* (Practice 378, October 1987) and *Commercial Fish Ponds* (Practice 397, June 1984), which are incorporated herein by reference. The applicant must demonstrate that these design standards have been met. Ponds that are subject to the mine reclamation requirements of Rules 62C-36 and 62C-39, F.A.C., and are constructed in accordance with those requirements are exempt from the SCS design standards referenced above.

(b) Retention or Detention Facility Construction. Each farm shall include, or document its legal right of access to, either a retention facility capable of retaining all production unit discharges on site or a detention facility designed and constructed to meet the following criteria:

1. Depending on the maximum projected standing crop for the fish farm as described in paragraphs 62-660.820(8)(a)-(b), F.A.C., the detention facility shall provide either a one-day or five-day residence time for all production unit discharges. To provide the required residence times, the detention facility shall have the capacity to store either one or five times the expected peak daily production unit discharge volume below the control elevation. The calculated storage capacity shall exclude the freeboard required under minimum SCS standards. If the actual depth of the detention facility is greater than eight feet, the maximum depth that can be used when calculating the storage capacity shall be limited to eight feet.

2. For single inlet detention facilities, the length to width ratio of the detention facility shall be at least 1:1 with maximum separation of the inlet and the outlet.

3. For multi-inlet detention facilities, there shall be at least 100 linear feet separation between the outlet and the nearest inlet.

4. The detention facility shall be designed and constructed to include a littoral zone for growth of rooted aquatic vegetation. Side slopes shall be 4:1 or flatter to a depth of 2.0 feet below the control elevation.

(c) All fish farms where restricted species are grown shall meet the design requirements listed in paragraph 68A-23.008(2)(b), F.A.C., of the GFC.

(d) All fish farms where grass carp are grown shall meet the design requirements listed in Rule 68A-23.088, F.A.C., of the GFC.

(e) All fish farms that discharge to surface waters of the state shall have a control structure at the point of discharge to waters of the state.

(8) Operational Requirements.

(a) In individual production units that discharge through a detention facility with a one-day residence time, feed application rates shall be limited to 180 pounds of dry feed per acre per day and the standing crop shall be limited to 6000 pounds of fish per acre.

(b) In individual production units that discharge to a retention facility or a detention facility with a five-day residence time, feed application rates shall be limited to 360 pounds of dry feed per acre per day and the standing crop shall be limited to 12000 pounds of fish per acre.

(c) Limitations on the feed application rate and the standing crop shall not apply in individual production units that discharge to a retention facility if the applicant demonstrates the bottom and sides of the production unit are constructed of impermeable synthetic materials or lined with at least 12 inches of soil with a hydraulic conductivity of less than 10^{-7} cm/sec.

(d) Only those chemicals registered or allowed by the U.S. Environmental Protection Agency, the U.S. Food and Drug Administration, or the Florida Department of Agriculture and Consumer Services for aquatic uses shall be applied to the pond water. Application rates shall be limited to the rates listed on the product label. At fish farms constructed after April 30, 1992, no

registered chemicals shall be applied to ponds located within 200 feet of off-site drinking water supply wells. Permittees shall keep detailed records of all usage of registered chemicals, including the application rate, date of application, chemical used, and pond identification number. Records shall be kept for a minimum of five years.

(e) Fertilizer application rates shall be limited to the application rates recommended by the Institute of Food and Agricultural Sciences in Fact Sheet FA-17, which is incorporated here by reference.

(f) No diesel fuel or motor oil shall be applied to any pond on the fish farm.

(g) With the exception of bait, no feeds or fertilizers shall be applied within a fish farm's detention facility.

(h) Production Unit Discharges.

1. All production unit discharges shall be routed to a retention or detention facility constructed in accordance with paragraph 62-660.820(7)(b), F.A.C. There shall be no direct discharges of production unit water to surface waters of the state or to G-I or G-II aquifers through sink holes or wells.

2. Except for storm-induced discharges, no chemically treated production unit waters shall be discharged to a detention facility within the holding time required on the product label or prior to chemical deactivation as required on the product label.

3. The timing of production unit discharges shall be planned to maintain the required residence time in the detention facility.

(i) All detention facilities shall be adequately maintained to provide the storage capacity required by paragraph 62-660.820(7)(b), F.A.C.

(j) No discharges from the fish farm shall cause or contribute to new violations of water quality standards or to continuation of existing violations.

(k) Any dead fish collected from the production units, ditches, detention facilities, or retention facilities shall be disposed of in a landfill permitted by the Department, used as fish or livestock feed, composted, or buried on site and immediately covered with sufficient dirt to control odor and vector problems such as flies.

(l) Any sludge collected from the production units, ditches, detention facilities, or retention facilities shall be disposed of in a landfill permitted by the Department, used as a soil amendment, or disposed of on site via land application. The following criteria must be met for land application of the sludge.

1. No sludge shall be applied to land growing rootcrops, leafy vegetables, tobacco, and vegetables to be eaten raw.

2. In no case shall more than four dry tons of sludge be applied per acre per year.

3. The sludge land application area shall be located no closer than 3,000 feet from any Class I water body or 200 feet from any other natural body of water, unless the applicant provides a physical barrier that prevents runoff from the application area from reaching the surface water of concern within the distance requirements.

4. No sludge land application may be conducted during rain storms or during periods in which surface soils of the sludge land application area are saturated.

5. No sludge shall be applied within 200 feet of solution cavities, fractures, sink holes, drainage wells, or drinking water supply wells.

(m) Fish farms shall not allow the escape of non-native fish or their eggs into waters of the state.

Specific Authority 403.051, 403.0877, 403.814 FS. Law Implemented 120.55, 403.051, 403.0877, 403.814 FS. History—New 4-30-92, Amended 4-14-94, Formerly 17-660.820, Amended 12-24-96.

62-660.821 General Permit for Marine Bivalve Facilities.

(1) Intent/Purpose. This rule authorizes a general permit for any person constructing or operating a marine bivalve facility designed and operated in accordance with this rule, if all the conditions of this rule are met.

(2) Definitions. Terms used in this rule shall have the meaning specified below.

(a) "Culture container" means any tank or vessel used to grow or maintain marine bivalves, including, but not limited to, upwellers, downwellers, and raceways.

(b) "Depuration facility" means a facility where marine bivalves collected from restricted or conditionally restricted sources as defined by Rule 62R-7.004, Florida Administrative Code (F.A.C.) of the Department of Environmental Protection (DEP) are treated by a controlled purification process prior to being marketed for human consumption.

(c) "Hatchery" means a facility where juvenile marine bivalves are grown in batch culture tanks from larvae to juveniles up to two millimeters in size. The hatchery may include facilities to maintain and condition up to two thousand adult marine bivalves as brood stock and facilities to produce algal cultures as feed for the marine bivalves in the hatchery.

(d) "Marine bivalve facility" means any facility located outside of waters of the state where marine bivalves are held or grown for commercial, research, or stock enhancement purposes and includes hatchery, nursery, depuration, and wet storage facilities.

(e) "Native algae" means the algae indigenous to the waters of Florida.

(f) "Non-native marine bivalves" means any marine bivalve not indigenous to the waters of Florida as determined through review of *The Audubon Society Field Guide to North American Seashells* (1981), which is incorporated here by reference and is available at Department District offices.

(g) "Nursery" means a facility where juvenile marine bivalves are grown, typically only to a size appropriate for placement on leased bottom lands for final grow-out, using only ambient algal populations contained in waters pumped through the facility as food.

(h) "Pond" means any excavation or earthen impoundment designed to hold water, including pretreatment ponds, settling facilities, and retention facilities.

(i) "Registered chemicals" means any available commercial product bearing a United States Environmental Protection Agency (EPA) or a Food and Drug Administration (FDA) label specifying the allowed aquatic use of the product, or bearing a Florida Department of Agriculture and Consumer Services (DACS) special local need registration number.

(j) "Settling facility" means any facility designed to treat facility discharges through partial removal of settleable solids.

(k) "Wet storage facility" means a facility where marine bivalves collected from permitted or approved sources as defined by Rule 62R-7.004, F.A.C., of the DEP are treated by a controlled purification process prior to being marketed or transferred to privately-owned or leased bottoms.

(3) Exempt Operations. Non-pumping marine bivalve facilities located in waters of the state on a shellfish or aquaculture lease authorized by the DEP and marine bivalve facilities that do not discharge to waters of the state are exempt from Department industrial wastewater permitting requirements if the facility does not cause or contribute to violations of water quality standards.

(4) Excluded Operations. This general permit shall not be valid for the types of marine bivalve facilities set forth in paragraphs (a)-(c) below. The exclusions apply to both new and existing operations. The following excluded operations shall apply for a permit to construct or operate an industrial wastewater treatment facility as described in Chapter 62-4, F.A.C.

(a) Marine bivalve facilities growing or holding non-native species of marine bivalves.

(b) Marine bivalve facilities that, within a contiguous tract of land owned or leased by one person or corporation, discharge more than one million gallons per day.

(c) Marine bivalve facilities that add supplemental algal cultures to the non-hatchery component of the facility and discharge to surface waters of the state.

(5) Existing Facilities. Marine bivalve facilities constructed before the effective date of this rule are exempt from the design requirements listed in paragraphs 62-660.821(7)(a) and (b), F.A.C., if they meet all other conditions of this rule. This exemption does not apply to any new construction at existing marine bivalve facilities.

(6) General Requirements.

(a) This general permit shall be subject to the general conditions of Rule 62-4.540, F.A.C.

(b) A permittee for a marine bivalve facility general permit shall complete and submit to the Department DEP Form 62-660.900(9), Marine Bivalve Facility General Permit Notification Form, effective 3-8-93, which is adopted and incorporated herein by reference, or in a geographical area where the Department has delegated permitting authority for this general permit, the permittee shall submit an application to the delegated entity, under its rules. Marine bivalve facilities existing prior to the effective date of this rule shall submit this form or the appropriate alternative application form within six months of the effective date of this rule. This form may be obtained by contacting the appropriate district office or by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400. The general permit shall become effective 30 days after Department receipt of the notification form, unless the Department notifies the permittee that the project does not qualify for a general permit.

(c) This general permit does not relieve the permittee of the responsibility to obtain other permits or licenses required by the Department or any other federal, state, or local agency. For example:

1. The DEP requires marine bivalve nurseries and hatcheries to obtain licenses to collect, maintain, and market the marine bivalves possessed at the facility, wet storage and depuration facilities to obtain a shellfish processing plant certification license pursuant to Rule 62R-7.007, F.A.C., of the DEP, and facilities constructed in any area determined to be waters of the state to obtain easements.

2. If any of the associated culture facilities, including intake and discharge pipes, are constructed in any area determined to be waters of the state pursuant to Chapter 403, Florida Statutes (F.S.), the marine bivalve facility shall have all appropriate wetland resource permits from the Department of Environmental Protection or any water management district delegated jurisdictional authority over the wetlands. Documentation of appropriate wetland resource permitting shall be provided as part of the general permit notification form. For the purposes of wetland resource permitting requirements, pretreatment ponds and required treatment facilities shall not be considered waters of the state if they are constructed entirely outside of waters of the state and are separated from waters of the state by a control structure.

(7) Design Requirements.

(a) Pond Construction. All ponds greater than 0.1 acres in surface area used for pretreatment or settling shall be designed and constructed in accordance with the standards established by the Soil Conservation Service (SCS) for excavated and embankment ponds. The standards are contained in SCS Standards and Specifications for *Ponds* (Practice 378, October 1987), which is incorporated here by reference. All designs must be certified as meeting these standards by a Professional Engineer (P.E.) registered in the state of Florida. Copies of the P.E. Certification shall be submitted as part of the general permit application.

(b) Intake and discharge pipes shall be constructed in accordance with a wetland resource permit issued pursuant to Chapter 62-312, F.A.C., or to meet the following criteria:

1. Pipes shall not extend over submerged grass bed communities or more than 200 feet over waters of the state.

2. Pipes shall be six inches or less in diameter.

3. Discharge pipes shall not terminate within twenty feet of submerged grass bed communities or within fifty feet of a marked navigation channel. Outfall structures shall not hinder navigation and shall be designed and oriented so as to prevent bottom scour.

4. There shall be no excavation or dredging in waters of the state associated with installation of the pipe.

5. Materials placed on the bottom in waters of the state shall be limited to the pipes and devices used to secure the pipes to the bottom.

(c) All marine bivalve facilities that discharge to surface waters of the state shall have a control structure at the point of discharge to waters of the state.

(8) Operational Requirements.

(a) Only those chemicals registered or allowed by the EPA, the FDA, or the DACS for aquatic uses shall be applied to the water in the facility. Application rates shall be limited to the rates listed on the product label. Permittees shall keep detailed records of all usage of registered chemicals, including the application rate, date of application, and chemical used. Records shall be kept for a minimum of five years.

(b) Fertilizer application shall be limited to the batch algae culture tanks in hatchery facilities.

(c) If chlorine is used to sanitize culture containers or to treat water used to grow larvae, any rinsate from the containers shall be collected and either dechlorinated prior to discharge to waters of the state or disposed of in a sanitary sewer system or septic tank.

(d) Facility Discharges.

1. To reduce the settleable solids content of facility discharges during cleaning operations, at least one of the following practices shall be followed when cleaning and rinsing culture containers.

a. Waters discharged during cleaning and rinsing operations shall be passed through a filter, screen, hydroclone, or centrifuge. Filtered materials shall be disposed of in accordance with paragraph 62-660.821(8)(h), F.A.C.

b. A wet vacuum or scoop shall be used to remove settled solids directly from the culture container. To use this method, flow to the culture container shall be shut off during actual cleaning and rinsing activities.

c. Waters discharged during cleaning and rinsing operations shall be routed through an in-line sand filter, an in-line settling basin, or an off-line settling tank. Flow to settling facilities shall be shut off during sediment removal, and hydraulic methods shall not be used to wash accumulated sediments from the settling facility.

2. There shall be no direct discharges of water to G-I, G-II, or G-III aquifers through sink holes or wells.

3. No chemically treated waters shall be discharged before the holding time required on the product label.

(e) Only native algae species shall be cultured as feed for the marine bivalves held or grown within hatchery facilities, and algal culture production shall be limited to 500 gallons per day.

(f) No discharges from the marine bivalve facility shall cause or contribute to violations of water quality standards.

(g) Any dead bivalves collected from the facility shall be disposed of in a Department permitted sanitary landfill, composted, or buried on site and covered with sufficient dirt to control odor and vector problems such as flies.

(h) Any sludge collected from culture containers or settling facilities shall be disposed of in a Department permitted sanitary landfill, used as a soil amendment, or disposed of on site via land application. The following criteria must be met for land application of the sludge.

1. No sludge shall be applied to land growing rootcrops, leafy vegetables, tobacco, or vegetables to be eaten raw.

2. The sludge land application area shall be located no closer than 3,000 feet from any Class I water body or 200 feet from any other natural body of water, unless the applicant provides a physical barrier that prevents runoff from the application area from reaching the surface water of concern within the distance requirements.

3. No sludge land application may be conducted during rain storms or during periods in which surface soils of the sludge land application area are saturated.

4. No sludge shall be applied within 200 feet of solution cavities, fractures, sink holes, drainage wells, or drinking water supply wells.

Specific Authority 403.051, 403.0877, 403.814 FS. Law Implemented 120.55, 403.051, 403.0877, 403.814 FS. History—New 3-8-93, Formerly 17-660.821, Amended 12-24-96.