

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Buckeye Florida, L.P.
One Buckeye Drive
Perry, Florida 32348

PERMIT NUMBER:

FL0000876 (Major)

PA FILE NUMBER:

FL0000876-001-IW1S

ISSUANCE DATE:

Draft

EXPIRATION DATE:

Issuance + 5 years

RESPONSIBLE AUTHORITY:

Mr. Howard Drew
Vice President, Site Manager
Wood Cellulose Manufacturing

FACILITY:

Buckeye Florida, L.P.
One Buckeye Drive
Perry, FL 32348
Taylor County

Latitude: 30° 3' 59" N Longitude: 83° 33' 12" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). This permit is accompanied by an Administrative Order pursuant to paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Administrative Order 011-NED is a specific requirement of this permit. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

WASTEWATER TREATMENT:

Existing Treatment System: Operation of a 58 million gallon per day (design) industrial wastewater treatment system serving a dissolved kraft pulp mill that includes a lift station, bar racks, a 320 foot diameter primary clarifier with skimming pond, sludge pumps, 225 acres of sludge storage lagoons with conveyance structures, and a 30 acre aerated lagoon followed by a 120 acre aerated lagoon.

Modified Treatment System: Construction and operation of modifications to the existing wastewater treatment and effluent disposal system including adequate wastewater holding capacity (potentially a 30 million gallon wastewater holding pond), secondary clarification/filtration system, an effluent pump station, a 15.3 mile treated wastewater pipeline, an effluent oxygenation system, and an outfall/diffuser structure discharging treated effluent to the Fenholloway River through Outfall D-002 at mile point 1.7 upstream of the River mouth.

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EFFLUENT DISPOSAL:

Surface Water Discharges:

Outfall D-001: Existing discharge outfall and a future emergency discharge outfall (from the immediate area upstream of the sharp-crested weir outfall) to the Fenholloway River at milepoint 24.6 upstream of the River mouth, Class III freshwaters, discharging at the sharp-crested weir Outfall D-001. The existing point of discharge is located approximately at latitude 30° 03' 59" N, longitude 83° 33' 12" W.

Outfall D-002: The permittee's industrial discharge will be conveyed by the 15.3 mile transmission pipeline to the Fenholloway estuary at milepoint 1.7 upstream of the River mouth.

WWTP Monitoring point is located approximately at latitude 30° 03' 59" N, longitude 83° 33' 12" W. This monitoring point is at the sharp-crested weir outfall and can either be discharged to the estuary through the transmission pipeline or discharged, in an emergency, to the old Outfall D-001 sharp-crested weir outfall to the Fenholloway River. The transmission pipeline point of discharge is located approximately at latitude 29° 59' 44" N, longitude 83° 46' 40" W.

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

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

- During the period beginning upon issuance of this permit and lasting until placing the modified wastewater treatment plant (WWTP) and discharge relocation transmission pipeline into full operation, the permittee is authorized to discharge treated wastewater from existing Outfall D-001. The discharge from this outfall location shall not result in a violation of applicable water quality standards.

During the period beginning upon placing the modified WWTP and the discharge relocation transmission pipeline into operation and lasting through the expiration date of this permit, the Permittee is authorized to discharge final effluent from existing Outfall D-001 to the Fenholloway River as an emergency outfall. Monitoring for this discharge will be conducted at EFF-1 for the parameters listed within I.A.2 below.

- During the period beginning upon placing the modified WWTP and the discharge relocation transmission pipeline into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge process wastewater, non process wastewater, stormwater, and sanitary wastewater from Outfall D-002. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (mgd)	Report	Report	--	Continuous	Recorder	EFF-1
pH (su)	--	8.5	6.5 Daily Minimum	Daily	Grab	EFF-1
Temperature, Water (deg.F)	--	Report	--	3 days/week	Grab	EFF-1
Carbonaceous Biochemical Oxygen Demand-5 (lb/day)	4,020	6,330	--	3 days/week	24-hour flow proportioned composite	EFF-1
Solids, Total Suspended (lb/day)	25,000	50,000	--	3 days/week	24-hour flow proportioned composite	EFF-1
Oxygen, Dissolved (DO) (mg/l)			Report Daily Minimum	3 days/week	Grab	EFF-1
Oxygen, Dissolved (DO) (mg/l) February 1 to November 30	--	--	4.0 Daily Minimum See 1.A.9.	3 days/week	Grab	EFF-2
Oxygen, Dissolved (DO) (mg/l) December 1 to January 31	--	--	5.0 Daily Minimum See 1.A.9.	3 days/week	Grab	EFF-2
Oxygen, Dissolved (DO) (mg/l)			See I.A. 9	See VII. H	See VII. H	See VII. H

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Other	Monitoring Frequency	Sample Type	Sample Point
Color (lb equivalents/day)			401,821 Annual Average See I.A.11.	3 days/week	Calculated	EFF-1
Color (pt-co)		Report See I.A.11	Report Annual Average See I.A.11.	3 days/week	24-hour flow proportioned composite	EFF-1
2,4,6-trichlorophenol (ug/l)	--	--	6.5 Annual Average	Monthly	Grab	EFF-1
Phosphorus, Total (as P) (lb/day)	Report		365 Annual Average	Monthly	24-hour flow proportioned composite	EFF-1
Nitrogen, Total (lb/day)	Report		1095 Annual Average	Monthly	24-hour flow proportioned composite	EFF-1
Ammonia Nitrogen (lbs/day)	410			Monthly	Grab	EFF-1
Oil and Grease (mg/l)	--	5.0	--	Monthly	Grab	EFF-1
Iron, Total Recoverable (mg/l)	--	0.3	--	Quarterly	Grab	EFF-1
2,3,7,8-tetrachlorodibenzo-p-dioxin (pg/l)	--	0.014	--	Quarterly	3, 24-hour flow proportioned composite	EFF-1
Coliform, Total (#/100ml)	1000 Mo.Geo.Mean	2400	--	Monthly Quarterly See I.A.12.	Grab	EFF-1
Enterococci (#/100ml)	35 Mo.Geo.Mean	276		Monthly Quarterly See I.A.12.	Grab	EFF-1
Chronic Whole Effluent Toxicity	See I.A.4. and I.A.8.		NOEC >= 25% Daily Min	See I.A.4. and I.A.8.	See I.A.4 and I.A.8.	See I.A.4. and I.A.8.
Biological Integrity	See I.A.10.			Annually	See I.A.10.	See I.A.10.

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

Sample Point	Description of Monitoring Location
EFF-1	Final Effluent at the sharp-crested weir outfall prior to discharge

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Sample Point	Description of Monitoring Location
EFF-2	Final Effluent prior to discharge through D-002 diffuser

4. As required by Part I.A. of this permit, the Permittee shall initiate the series of tests described below beginning in the 4th month after placing the modified WWTP and the discharge relocation transmission pipeline into full operation, to evaluate chronic whole effluent toxicity of the discharge from outfall D-002. The Department and Permittee will consider worker safety, equipment maintenance issues, and security of equipment when determining the appropriate sampling location.
 - a. Effluent Limitation
 - (1) Whole effluent chronic toxicity shall not result in a No Observed Effect Concentration (NOEC) of less than 25% effluent in any survival and growth test. [Rule 62-302.530(62), F.A.C.]
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every two months until 6 valid bimonthly tests have been conducted. A test shall be deemed valid if it meets the acceptability criteria for survival & growth as identified in EPA-821-R-02-014 (or its subsequent revisions).
 - (2) Upon the completion of six valid tests which demonstrate that no unacceptable toxicity (as defined in I.4.a.(1)), the Permittee shall reduce monitoring frequency to quarterly.
 - c. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and one test concentration of 25% final effluent.
 - (2) Additional, Follow-up Testing Requirements, if required:
 - (a) If an NOEC of less than 25% effluent is found in any routine test for survival and growth, the permittee shall conduct three additional follow-up tests on each species indicating the presence of unacceptable toxicity.
 - (b) Three additional, follow-up tests shall be conducted using a control and a minimum of five dilutions. The dilution series shall bracket the toxicity such that at least two dilutions above (not to exceed 100% effluent) and two dilutions below the target concentration 25% and a control are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-014.
 - (c) The first test shall be initiated within two weeks of the receipt of the failed routine test report. The remaining additional tests shall be conducted weekly thereafter until a total of three valid additional follow-up tests are completed.
 - (3) The permittee shall conduct 7-day chronic toxicity tests with the mysid shrimp, *Americanysis (Mysidopsis) bahia*, Survival, Growth, and Fecundity Test, (utilizing only the survival and growth tests as endpoints) and the inland silverside, *Menidia beryllina*, Larval Survival and Growth Test, concurrently.
 - (4) All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, 3rd ed., EPA-821-R-02-014. Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.
 - (5) The control/dilution water and effluent sample used shall be adjusted to a salinity of 20 ppt (parts per thousand) using artificial sea salts as described in EPA-821-R-02-014, Sections 7.2 and 8.8.1, respectively.

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d. Sampling Requirements

- (1) For each routine or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used per the sampling protocol discussed in EPA-821-R-02-014, Section 8.3.
- (2) The first composite sample shall be used to initiate the test. The remaining two composite samples shall be collected according to the protocol and used as renewal solutions on Day 3 (at 48 hours) and Day 5 (at 96 hours) of the test.

e. Quality Assurance Requirements

- (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or no more than 30 days before the date of each routine or additional test conducted. The SRT-QA data shall be included in its respective routine or additional test report.
- (2) If the mortality in the control exceeds 20% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated.
- (3) If during any test, 100% mortality occurs in the 100% effluent concentration prior to the end of the test, and control mortality is less than 20% at that time, that test (including the control) shall be terminated with the conclusion that the test fails and constitutes non-compliance.
- (4) Additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship and the percent minimum significant difference (PMSD) as required by EPA-821-R-02-014, Sections 10.2.6 and 10.2.8, respectively. Results from these evaluations shall be included with the bioassay reports.

f. Reporting Requirements

- (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine Test Results: If the NOEC of a test species is greater than or equal to 25% effluent, then “> 25%” should be entered on the DMR for that species. If the NOEC of a test species is less than 25% effluent, then “< 25%” should be entered.
 - (b) Additional Test Results: Report the % effluent determined to be the NOEC endpoint of the test.
- (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-014, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days of the completion of the test.
- (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-014, Section 10 and mailed within 45 days of completion of the third valid additional test. If any additional tests, or two consecutive routine tests do not meet the effluent limitations specified in I.4.a.(1) above, the permittee shall contact the Department within 30 days of the report submittal to discuss the appropriate corrective actions necessary to remedy the observed chronic toxicity.
- (4) All bioassay reports shall be mailed to:

Florida Department of Environmental Protection
Northeast District Office – IW Section
7825 Baymeadows Way, Suite 200-B
Jacksonville, Florida 32256-7590

5. The discharge shall not cause a visible sheen or foam on the receiving water.

6. The temperature of the effluent shall not increase the temperature of the receiving water so as to cause substantial damage or harm to the aquatic life or vegetation therein, or interfere with the beneficial uses assigned the receiving water, per rule 62-302.520(1)(a), F.A.C.

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7. The “annual average” effluent limitation is a rolling average equal to the arithmetic mean of the effluent samples collected during consecutive reporting periods which comprise one year. For parameters that are measured at least once per month, the annual average shall be computed at the end of each month and is equal to the arithmetic mean of the monthly average of that month and of each of the previous eleven months.
8. The effluent limitations, specified in I.A.2. above, for the parameter listed below have been calculated to ensure compliance with the applicable water quality criteria at the boundary of the mixing zone. The lengths of the mixing zone specified below are centered along the outfall diffuser structure and equates to a spatial area of 125,600 square meters. The permittee’s discharge shall not cause an exceedance of the Rule 62-302.530, F.A.C., Class III marine water quality criteria outside the described mixing zones.

<u>Parameter</u>	<u>Mixing zone length centered on the diffuser structure</u>
Chronic Toxicity	2,250 meters

9. The Dissolved Oxygen (DO) criterion in Part I.A.2 above, for the Fenholloway River, has been established in accordance with Alternate Dissolved Oxygen Criteria (ADOC), OGC Case No. 05-1699, pursuant to Rule 62-302.500(2)(f), F.A.C. To assure compliance with the ADOC, an oxygen injection rate of 2087.4 lbs/day is required for the period February 1 to November 30, and an oxygen injection rate of 2609.2 lbs/day is required for the period December 1 to January 31.
10. The Permittee shall conduct biological integrity monitoring on an annual basis in order to determine compliance with the biological integrity requirement of Rule 62-302.530(11), F.A.C. at Outfall D-002. The Permittee shall obtain approval from the Department for the monitoring locations and sampling requirements in accordance with Part VI.1.b.9 of this permit. The annual monitoring shall be reported to the Department within 3 months of receipt of the monitoring results by Buckeye and address the improvement seen from the previous monitoring.
11. Effluent color shall not cause transparency in the receiving water to be reduced by more than 10% as compared to the natural background value.
12. Total Coliform and Enterococci shall be monitored monthly. After 12 consecutive months of data showing compliance, the Permittee shall reduce monitoring frequency to quarterly

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

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

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as

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

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

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

- 2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with applicable portions of 40 CFR Part 136 and in accordance with Chapter 62-160, F.A.C.
- 3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Northeast District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

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

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

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

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

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

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

Northeast District Office
7825 Baymeadows Way
Suite 200B
Jacksonville, FL 32256-7590

Phone Number - (904) 807-3300

FAX Number - (904) 448-4366 (All FAX copies shall be followed by original copies.)

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
9. Temperature of the effluent shall not result in a take of any Federally listed species in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act (MMPA) of 1972 (16 U.S.C. 1361-1407).

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

1. The method of disposal for sludges removed from the primary clarifier and treatment system lagoons is application in 225 acres of on-site lagoons.
2. The permittee shall obtain department approval of any planned changes of the permittee's sludge disposal practices. If the permittee disposes of sludges other than in the on-site lagoon, the permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated in wet tons/day. If a person other than the permittee is responsible for sludge transportation, disposal, or incineration, the permittee shall also keep the following records:
 - a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. name and location of the site of disposal, treatment or incineration;
 - c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

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III. Ground Water Monitoring Requirements

A. Construction Requirements

1. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to properly determine the well depth and screen interval.
2. The permittee shall give at least 72-hours notice to the Department, prior to the installation of any monitoring wells detailed in this permit.
3. Within 30 days after installation of a new monitoring well, the permittee shall submit to the Department's Northeast District Office detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report.

B. Operational Requirements

1. During the period of operation authorized by this permit, the permittee shall continue to sample ground water at the existing monitoring wells identified in item III.B.2, below, in accordance with this permit and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitoring wells, whichever occurs sooner, the permittee shall begin sampling ground water at the new monitoring wells identified in item III.B.2 below in accordance with this permit and the approved ground water monitoring plan.
2. The following monitoring wells are established for ground water monitoring:

North-side Fenholloway River

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWB-28377	PW-9	379	Floridan	Existing
MWB-28374	CM-14	22	Floridan	Existing
MWB-28372	CM-8	26	Floridan	Existing
MWI-44672	MW-16	27	Floridan	Existing
MWC-10687	PW-3	225	Floridan	Existing

South-side Fenholloway River

MWB-10685	MW-15	19	Floridan	Existing
MWI-44673	OW-2	17	Floridan	Existing
MWI-10681	MW-14	16	Floridan	Existing
MWC-28373	CM-16	20	Floridan	Existing
MWC-28375	RM-4	14	Floridan	Existing
MWC-28376	CMW-1	apprx 50	Floridan	New

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

3. The monitor wells specified above shall be sampled for the parameters listed below:

Parameter Name	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	FEET	In-situ	Quarterly

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Parameter Name	Units	Sample Type	Monitoring Frequency
Specific Conductance	UMHOS/CM	In-situ	Quarterly
pH	SU	In-situ	Quarterly
Sodium, Total Recoverable	MG/L	Grab	Quarterly
Chloride (as Cl)	MG/L	Grab	Quarterly
Carbon, Total Organic (TOC)	MG/L	Grab	Quarterly
Sulfate, Total	MG/L	Grab	Quarterly

4. The ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally along the ground surface to the property line, and vertically to the base of the Floridan Aquifer.
5. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
6. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.
7. If the concentration for any constituent listed in Permit Condition III.B.3, in the natural background quality of the ground water exceeds the applicable groundwater standard specified in Chapter 62-520, F.A.C., the representative natural background quality shall be the prevailing standard.
8. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 feet.
9. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
10. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
11. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department as soon as practical after discovery and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
12. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
13. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
14. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the address specified in I.E.3. Results shall be submitted with the DMR for each month listed in the following schedule.

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

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

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

B. Record keeping Requirements:

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

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VI. Schedules

1. The permittee shall comply with the following schedules:

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

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

- b. The following action items shall be completed in accordance with part VII.F through J of this permit and the following schedule:

Action Item		Scheduled Completion Date
1.	Submit Sea Grass POE	Within 9 months of the date of the permit issuance
2.	Implement Sea Grass POE	Upon DEP approval
3.	Submit Dioxin Fish Tissue POS	Within 3 months of the date of the permit issuance
4.	Implement Dioxin Fish Tissue POS	Upon DEP approval
5.	Submit DO POS	Within 24 months of the date of the permit issuance
6.	Implement DO POS	Upon DEP approval
7.	Submit Potential Masculinization Effects POS	Within 6 months of the date of the permit issuance
8.	Implement Potential Masculinization Effects POS	Upon DEP approval
9.	Submit Biological Integrity Monitoring POS	Within 6 months of the date of the permit issuance
10.	Implement Biological Integrity Monitoring POS	Upon DEP approval
11.	Submit Manatee POE	Within 30 months of the date of the permit issuance
12.	Implement Manatee POE	Upon DEP approval
13.	Achieve compliance with the other conditions of this permit	Issuance date of permit

2. The permittee shall comply with the terms and conditions of Administrative Order (AO) Number 011-NED, which is hereby incorporated by reference. A compliance schedule for this facility is included in Item 15 of the AO. 011-NED.

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- The following construction schedule for the upgrades of the brownstock washing systems, the modifications to existing wastewater treatment plant (WWTP) facilities, and the installation of the effluent transmission pipeline shall be followed, unless a substantial permit revision is issued to amend the schedule:

Implementation Step	Scheduled Completion Date
Complete upgrades to the brownstock washing systems in Mill No. 1 and Mill No. 2.	Within 30 months of the date of permit issuance.
Complete WWTP modifications	See AO Item 15. c.
Complete Construction of Oxygen Injection Station	See AO Item 15. h.
Complete Construction of Pipeline	See AO Item 15. d.

- No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

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

B. Specific Conditions Related to Construction

- Within thirty days of completion of construction, the permittee shall submit to the Department a completed "Certification of Completion of Construction" (DEP form 62-620.910(12)) signed and sealed by the engineer of record.
- Record drawings shall be prepared and made available in accordance with 62-620.410(10), F.A.C., within six months of placing the facilities into operation.

C. Duty to Reapply

- The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
- The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection

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Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

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D. Specific Conditions Related to Best Management Practices Conditions

1. The Permittee shall continue to implement the Best Management Practices plan which was initially certified on April 14, 1999 and amended July 9, 2004. The Permittee shall comply with applicable specific conditions related to Best Management Practices as follows:

a. BMP Plan:

For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (the "Act"), oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the act. the Permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations; and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

b. General Requirements:

The BMP plan shall:

(1) Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.

(2) Establish specific objectives for the control of pollutants.

(a) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(b) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural conditions (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the plan should 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 each condition or circumstance.

(3) Establish specific best management practices to meet the objectives identified under paragraph b of this subsection, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented.

(4) Be reviewed by plant engineering staff and plant manager.

c. Documentation:

The Permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.

d. BMP Plan Modification:

The Permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

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e. Modification for Ineffectiveness:

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under paragraphs 2 and 3 of item b., the permit shall be subject to modification pursuant to Rule 62-620.325, F.A.C., to incorporate revised BMP requirements.

2. Best Management Practices (BMPs) Plan for spent pulping liquor, soap, and turpentine management, spill prevention, and control pursuant to 40 CFR 430.03.

The Permittee, in addition to the requirements stated in VI.D.1.a.-e. above, shall ensure that the BMP Plan is consistent with 40 CFR 430.03 and comply with the requirements of 40 CFR 430.03 as it applies to direct discharging pulp, paper, and paperboard mills with pulp production in Subpart C of 40 CFR 430 (promulgated April 15, 1998).

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

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels:

- (1) One hundred micrograms per liter,
- (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
- (3) Five times the maximum concentration value reported for that pollutant in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels:

- (1) Five hundred micrograms per liter,
- (2) One milligram per liter for antimony, or
- (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Dioxin Conditions

1. Effluent

a. The permittee shall monitor for 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) as specified in items I.A.2. of this permit. After three consecutive non-detection results, the sampling and analysis frequency shall be reduced to once per year.

b. The method of analysis for each sample shall be the appropriate method of analysis specified in EPA 1613b or another equivalent analytical protocol approved by DEP.

c. The samples collected for analysis shall be 72-hour composite samples. The samples shall consist of three 24-hour composite samples.

2. Fish Tissue

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- a. The permittee shall develop a Dioxin Fish Tissue Plan of Study (POS) to annually assess the levels of TCDD/TCDF in ambient fish tissue in the receiving waters of the Fenholloway River Estuary and near-shore areas of the Gulf of Mexico. The following table of isomers shall be assessed in the Dioxin Fish Tissue POS:

DIOXINS	FURANS
Isomer	Isomer
2,3,7,8-TCDD	2,3,7,8-TCDF
1,2,3,7,8-PeCDD	1,2,3,7,8-PeCDF
	2,3,4,7,8-PeCDF
1,2,3,4,7,8-HxCDD	1,2,3,4,7,8-HxCDF
1,2,3,7,8,9-HxCDD	1,2,3,7,8,9-HxCDF
1,2,3,6,7,8-HxCDD	1,2,3,6,7,8-HxCDF
	2,3,4,6,7,8-HxCDF
1,2,3,4,6,7,8-HpCDD	1,2,3,4,6,7,8-HpCDF
	1,2,3,4,7,8,9-HpCDF
1,2,3,4,6,7,8,9-OcDD	1,2,3,4,6,7,8,9-OcDF

- b. The permittee shall submit the Dioxin Fish Tissue POS to DEP within 3 months of the effective date of this permit. The DEP will review the POS within thirty (30) days of its receipt to determine if modifications are warranted. Upon approval, the POS will become an enforceable part of this permit.
- c. After three consecutive non-detection results for any isomer, sampling and analysis can be discontinued for that isomer.

3. Dioxin Minimization Plan

The permittee shall, within sixty (60) days of measurement of any detectable concentration of 2,3,7,8-TCDD in the effluent from sampling conducted pursuant to item 1.A.2. of this permit, submit to DEP a dioxin minimization report (MR). The MR shall present any proposed process modifications intended to minimize the discharge of TCDD, along with projected implementation schedules and predicted effects. The MR will be evaluated by DEP to determine if modifications are warranted. The permittee shall consider implementing the following minimization actions at a minimum:

- a. Certification that elemental chlorine is not being used in the bleach plants
- b. Improved control of the bleaching stages
- c. Improved brown stock washing
- d. Use of defoamers with low dioxin precursors
- e. Solids minimization

If the permittee does not intend to implement any minimization action, the MR shall describe the reasoning used in reaching that decision. Upon approval by DEP, the MR's proposed provisions and implementation schedule shall become an enforceable part of the permit.

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G. Sea Grasses

1. The permittee shall, within 9 months of issuance of this permit, submit a plan of evaluation (POE) that continues the evaluation started in 1998, including a proposed implementation schedule, designed to monitor the restoration of sea grasses in the Fenholloway near shore area. The FDEP, and other agencies it deems appropriate (e.g. National Marine Fisheries Service, US Fish and Wildlife Service, Florida Wildlife Commission, Florida Marine Research Institute, and the Environmental Protection Agency), will review the POE within 60 days of its receipt and will, in writing, either approve the POE or notify the permittee of deficiencies that must be corrected. The permittee shall either make such corrections and re-submit the POE within 60 days of DEP's notification or request an administrative hearing as provided for in paragraph 4. of this section. The POE shall become an enforceable condition of this permit upon approval.
2. The POE must:
 - a. Determine the level of improvement in light transmission in the Fenholloway near shore area after implementation of the modifications required by this permit. Such improvement shall be compared to cognate stations in the Econfina basin, and shall consider baseline conditions from studies conducted in support of the Use Attainability Analysis and any new information. This evaluation shall include quarterly sampling of water quality and light transmissivity conditions in near shore area of the Fenholloway and Econfina systems, and shall document baseline conditions, including any naturally induced changes, prior to implementation of the modifications.
 - b. Assess recovery of existing sea grass beds in the Fenholloway near shore area for the same period as described in paragraph 2.a., above, using changes in the Econfina Basin since the baseline period for comparison. This assessment shall include mapping of sea grass beds in the Fenholloway and Econfina near shore areas after implementation of the modifications. Such assessment shall consider effects induced by natural changes in sea grass beds.
3. The permittee shall submit semi-annual progress reports regarding the POE and its implementation. Within 180 days of the final sampling event of the POE, the permittee must submit a final report to FDEP documenting the results and conclusions of the evaluation. This report will be evaluated by FDEP and commenting agencies during the following permit renewal process to determine if modifications to the evaluation or permit conditions are warranted.
4. With regard to any determination by the Department of the POE, Buckeye Florida, L.P. (Buckeye), may file a petition for formal or informal administrative proceeding, pursuant to section 120.57, Florida Statutes, and chapter 62-103, Florida Administrative Code, if it disagrees with or otherwise disputes the Department's determination. The petition must conform with the requirement of rule 62-103.155, Florida Administrative Code, and must be received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty-one (21) days after receipt of written notice from the Department of any determination that Buckeye wishes to challenge. Failure to file a petition within this time period shall constitute a waiver by Buckeye of its right to request an administrative proceeding under section 120.57, Florida Statutes. The Department's determination, upon expiration of the 21-day time period if no petition is filed, or the Department's final order as a result of the filing of the petition, shall be incorporated by reference into this permit and made a part thereof. Notwithstanding other terms of the permit, Buckeye shall have the right to judicial review of the Department's final order entered after any administrative hearing held pursuant to this paragraph, as provided by section 120.68, Florida Statutes.

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H. Dissolved Oxygen

The permittee shall, within 24 months of issuance of permit, submit a DO plan of study (DO POS) for the Fenholloway River to the Department for review and approval. The POS shall be designed to verify compliance with the ADOC and shall include appropriate monitoring locations and sampling frequency.

I. Potential Masculinization Effects

1. The permittee shall, within 6 months of issuance of this permit, submit a plan of study (POS) to the Department for review and approval. The POS shall be designed to evaluate if modifications to process and wastewater treatment technologies eliminate the historically observed masculinization effects. The POS shall include an assessment of such effect at Outfall D-001.
2. The POS shall, if such masculinization effects are observed, determine the minimum effluent concentration in which such effects may be detected. In addition, the permittee shall meet with the Department within 60 days following discovery of such effects to discuss potential follow-up actions including an assessment of any significant resulting environmental effect.
3. The POS shall be reviewed by DEP within 60 days of its receipt. The Department will, in writing, either approve the POS or notify the permittee of deficiencies that must be corrected. The permittee shall either make such corrections and re-submit the POS within 60 days of DEP's notification or petition for an Administrative Hearing as outlined in Part VII G. 4. of this permit. The POS shall become an enforceable condition of this permit upon approval.

J. Biological Integrity Monitoring POS

Within 6 months of issuance of this permit, the Permittee shall submit a plan of study (POS), including a proposed implementation schedule, designed to monitor biological integrity in accordance with Rule 62-302.530(11), F.A.C., at Outfall D-002. The POS shall also be designed to monitor the restoration of the Fenholloway River and the estuary. The Department, and other agencies it deems appropriate, will review the POS within 60 days of its receipt and will, in writing, either approve the POS or notify the Permittee of deficiencies that must be corrected. The Permittee shall either make such corrections and re-submit the POS within 60 days of the Department's notification or request an administrative hearing as provided for in item VII.G.4. of this permit. The POS shall become an enforceable condition of this permit upon approval.

K. Plan of Evaluation for Manatee Utilization

1. The permittee shall, within 30 months of issuance of this permit, submit a plan of evaluation (POE) to demonstrate the discharge location will not become a warm water refuge for manatees. The FDEP, US Fish and Wildlife Service, and other agencies it deems appropriate, will review the POE within 60 days of its receipt and will, in writing, either approve the POE or notify the permittee of deficiencies that must be corrected. The permittee shall either make such corrections and re-submit the POE within 60 days of DEP's notification or petition for an Administrative Hearing as outlined in Part VII G. 4. of this permit. The POE shall become an enforceable condition of this permit upon approval.
2. At a minimum, the POE must:
 - a. Develop a methodology to assess manatee utilization of the Fenholloway River Estuary under discharge conditions at both Outfall D-001 and D-002.
 - b. Include a schedule for implementation of the POE.

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- c. Provide for levels of monitoring based on manatee sightings.
3. The permittee shall submit annual progress reports regarding the POE and its implementation. The reports will be evaluated by FDEP and commenting agencies to determine if modifications to the evaluation or permit conditions are warranted.

L. Reopener Clause

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

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

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

VIII. General Conditions

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

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5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided

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however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C. *[62-620.610(18), F.A.C.]*

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19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
20. The permittee shall report to the Department's Northeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Northeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northeast District Office shall waive the written report.
[62-620.610(20), F.A.C.]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions.

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

23. Upset Provisions

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

Executed in Jacksonville.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

DRAFT

William C. Green
Acting District Director

DATE: _____

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