

**State of Florida**  
**Department of Environmental Protection**

**Generic Permit**  
**For**  
**Discharges From**  
**Petroleum Storage And**  
**Petroleum Contaminated Sites**

This permit is issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code. Coverage under this permit constitutes authorization to discharge to waters of the State pursuant to the Department's federally-approved National Pollutant Discharge Elimination System (NPDES) program. Until this permit is terminated, revoked or expires, permittees using this generic permit are authorized to discharge ground water to surface waters of the State in accordance with the terms and conditions of this permit.

## Part I. Authorization to Discharge

This generic permit authorizes the following point source discharges to surface waters:

1. Treated ground water and storm water incidental to ground water cleanup operations from sites contaminated by petroleum products;
2. Ground water and treated ground water from any petroleum product storage tank system repair, removal, or replacement; or
3. Ground water from petroleum product storage and petroleum contaminated sites when natural background ground water concentrations of Total Recoverable Copper, Total Recoverable Zinc, or pH in the ground water exceed the surface water quality standards of Chapter 62-302, F.A.C., provided ground water is treated to meet surface water quality standards prior to discharge.

Until coverage under this permit is terminated, revoked or expires, permittees using this permit are authorized to discharge ground water and storm water incidental to ground water cleanup operations that meet the requirements in Part I.1., Part I.2., or Part I.3. of this permit to surface waters in accordance with the terms and conditions of this permit.

**NOTE:** Coverage under this generic permit does not substitute for coverage under the Generic Permit for Stormwater Discharge from Large and Small Construction Activities subsection 62-621.300(4), F.A.C.

## Part II. Definitions

For the purposes of this permit, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment system.
2. "Ground water" means water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.
3. "Long-term discharges" means all discharges that do not meet the criteria for short-term discharge.
4. "Natural background" means the condition of ground water in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background may be based on historical pre-alteration data.
5. "Petroleum products" means any liquid fuel commodity made from petroleum as defined in Chapters 62-761 and 62-762, F.A.C.
6. "Point source" means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
7. "Request for coverage" means the submittal of a completed Notice of Intent to Use Generic Permit for Discharges from Petroleum Storage and Petroleum Contaminated Sites, DEP form 62-621.300(1)(b), generic permit fee, and any required associated documents as outlined in subparagraph 62-621.300(1)(e)1., F.A.C.
8. "Short-term discharges" mean discharges that occur no later than one year from the effective date of coverage and consist of no more than 30 cumulative days of discharge during that period.
9. "Storage tank system" means a tank used to contain regulated substances, its integral piping, and all its components, including dispensing systems, spill containment devices, overflow protection devices, secondary containment systems, and any associated release detection equipment.
10. "Surface Waters" means those waters defined in Section 403.031(13), F.S., excluding underground waters.
11. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
  - (a) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
  - (b) An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.

## Part III. General Provisions

#### A. Period of Coverage

1. Short-term discharges from petroleum storage and petroleum contaminated sites are limited to a term not to exceed 30 cumulative days of discharge occurring within one year after the effective date of coverage.
2. Long-term discharges from petroleum storage and petroleum contaminated sites are limited to a term not to exceed 5 years from the effective date of coverage.
3. Effective Dates of Coverage
  - (a) If Treatment is Not Required: Coverage under this permit for short-term discharges from pumping tests or petroleum product storage tank system repair, removal, or replacement that do not require treatment to meet effluent limitations specified in this permit shall be effective 30 days after Department receipt of the request for coverage, unless the Department notifies the permittee within that time period that, (1) the request for coverage is not complete and requests additional information, or that (2) the project does not qualify for coverage. Permittee shall have proof of delivery of the request for coverage to the Department before discharging ground water. If, however, the Department determines that the information provided in the Notice of Intent (NOI) is complete and the project qualifies for coverage, the Department district office will notify the permittee in writing.
  - (b) If Treatment is Required: Coverage under this generic permit for all long-term discharges and short-term discharges of ground water that require treatment to meet effluent limitations specified in this permit shall be effective upon notification by the Department in accordance with Rule 62-621.101, F.A.C.

#### B. Effluent Treatment

1. If characterization of the ground water reported in the NOI indicates that concentrations of Benzene, Naphthalene, and/or Total Recoverable Lead exceed the effluent limitations in Table 1 or Table 2, the permittee shall provide treatment to meet effluent limitations in Table 1 or Table 2.
2. If characterization of the ground water reported in the NOI indicates that concentrations of Total Recoverable Copper and/or Total Recoverable Zinc exceed the effluent limitations listed in Table 1 or Table 2, and the permittee submitted additional information with the NOI demonstrating that the exceedence(s) is(are) consistent with natural background ground water conditions, the permittee shall provide treatment to meet the effluent limitations for Total Recoverable Copper and/or Total Recoverable Zinc listed in Table 1 or Table 2.
3. If characterization of the ground water reported in the NOI indicates a pH outside the effluent limitation range listed in Table 1 or Table 2, the permittee shall provide treatment to meet the limitations for pH listed in Table 1 or Table 2.
4. Treatment provided to meet effluent limitations shall not add nitrogen or phosphorus to the effluent.

### Part IV. Short-Term Discharges

#### A- Short-Term Discharges that Meet Effluent Limitations Without Treatment

1. Monitoring beyond the data needed to complete the Notice of Intent is not required for short-term discharges that meet all the effluent limitations in Table 1 without treatment.
2. Permittee must submit a Notice of Termination (attached to this permit)
  - (a) When 30 days of cumulative discharge are completed, or
  - (b) at the end of the 12 month coverage period, whichever occurs first.

#### B- Short-Term Discharges that Require Treatment to Meet Effluent Limitations

1. Short-term discharges for which treatment is required shall be limited and monitored by the permittee as specified in Table 1.

Table 1

Parameter	Units	Maximum/ Range	Effluent Limit	Sample Type
Flow	gpd	Maximum	See Part IV.A.3.	
Duration of Discharge (cumulative)	Days	Maximum	See Part IV.A.6.	
Naphthalene	µg/L	Maximum	26	grab
Benzene	µg/L	Maximum	1.0	grab
pH (fresh waters)	SU	Range	6.0-8.5	in-situ
pH (marine waters)	SU	Range	6.5-8.5	in-situ
Total Recoverable Chromium (Hexavalent)	µg/L	Maximum	See note 1	grab
Total Recoverable Mercury	µg/L	Maximum	See note 1	grab
Total Recoverable Cadmium	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Copper	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Lead	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Zinc	µg/L	Maximum	See notes 1-3	grab

1. See Rule 62-302.530, F.A.C., for applicable effluent limitation.
2. Hardness values shall be measured if ground water is discharged to Class III fresh waters as defined in Rule 62-302.400, F.A.C.
3. Total hardness of the effluent, when required, shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO<sub>3</sub>. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L, if actual hardness is less than 25 mg/L and set at 400 mg/L if actual hardness is greater than 400 mg/L. Hardness calculations are in Rule 62-302.530, F.A.C.

2. Monitoring requirements are in effect upon the date the Department authorizes coverage under this permit.
3. The permittee may calculate flow using a flow meter, pump curves or other method providing reliable flow data.
4. Effluent shall be sampled for the parameters listed in Table 1 once during the period of discharge.
5. Samples of the effluent shall be collected from a point after the treatment system but before actual discharge or mixing with the receiving waters.
6. The permittee shall report cumulative number of days of discharge as of the date of sampling. Total cumulative duration of discharge shall not exceed 30 days.

#### C- Reporting Requirements for Short-Term Discharges with Treatment

1. If the results from the monitoring in IV.B. indicate an exceedence for any individual parameter in Table 1, the permittee shall do the following within 14 days after receiving the results:
  - (a) complete the attached DMR and submit it to the appropriate Department district office, and
  - (b) collect and analyze an additional sample for the affected parameters in Table 1 and submit the results to the appropriate Department district office in a completed DMR within 14 days after receiving the additional results.

**NOTE:** Any exceedence of effluent limitations is a violation of the permit and possibly subject to enforcement under Section 403.161, Florida Statutes (F.S.) and/or revocation of coverage.

2. If the results from the monitoring in IV.B.4. do not indicate an exceedence for any individual parameter in Table 1, the permittee shall complete the attached DMR and Notice of Termination (attached to this permit) and submit them to the appropriate Department district office, when:
  - (a) 30 days of cumulative discharge are completed, or
  - (b) at the end of the 12 month coverage period, whichever occurs first.

#### Part V. Long-Term Discharges

A. Long-Term Effluent Discharge Limitations and Monitoring Requirements

1. Long-term discharges shall be limited and monitored by the permittee as specified in Table 2.

Table 2

Parameter	Units	Maximum/Range	Effluent Limitation	Sample Type
Flow	gpd	Maximum	See Part V.A.4.	
Naphthalene	µg/L	Maximum	26	grab
Benzene	µg/L	Maximum	1.0	grab
pH (fresh waters)	SU	Range	6.0-8.5	in-situ
pH (marine waters)	SU	Range	6.5-8.5	in-situ
Total Recoverable Chromium (Hexavalent)	µg/L	Maximum	See note 1	grab
Total Recoverable Mercury	µg/L	Maximum	See note 1	grab
Total Recoverable Cadmium	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Copper	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Lead	µg/L	Maximum	See notes 1-3	grab
Total Recoverable Zinc	µg/L	Maximum	See notes 1-3	grab
EPA Method 624 - Purgeable Organics		See Part V.A.6.		grab
Toxicity		See Part V.B.		grab

1. See Rule 62-302.530, F.A.C., for applicable effluent limitation.
2. Hardness values shall be measured if ground water is discharged to Class III fresh waters as defined in Rule 62-302.400, F.A.C.
3. Total hardness of the effluent, when required, shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO<sub>3</sub>. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L, if actual hardness is less than 25 mg/L and set at 400 mg/L if actual hardness is greater than 400 mg/L. Hardness calculations are in Rule 62-302.530, F.A.C.
2. Monitoring requirements are in effect upon the date the Department authorizes coverage under this permit. Results shall be reported in accordance with Part V.C.
3. Samples of the effluent shall be collected from a point after the treatment system but before actual discharge or mixing with the receiving waters.
4. The permittee may calculate flow using a flow meter, or other method providing reliable data. The maximum daily flow for the reporting period shall be reported on the DMR.
5. Effluent from long-term discharges shall be sampled and analyzed for the parameters listed in Table 2, (above) at the following frequency:
  - (a) Discharges that do not require treatment shall be sampled quarterly.
  - (b) Discharges that require treatment shall be sampled once every calendar month.
6. In addition to the monitoring required in Part VA.5., above, effluent shall be sampled and analyzed annually using EPA Method 624 for the purgeable organic compounds in Table 3. Results shall be reported in accordance with Part V.C.

Table 3

Parameter	Units	Single Sample	Sample Type
1,1-Dichloroethylene	µg/L	Report	grab
1,1-Dichloroethane	µg/L	Report	grab
1,2-Dichloroethane	µg/L	Report	grab

1,1,1-Trichloroethane	µg/L	Report	grab
Ethylbenzene	µg/L	Report	grab
Tetrachloroethylene	µg/L	Report	grab
Toluene	µg/L	Report	grab
Trans-1,2-Dichloroethylene	µg/L	Report	grab
Trichloroethylene	µg/L	Report	grab
Vinyl chloride	µg/L	Report	grab

B. Whole Effluent Toxicity Testing (Applicable Only to Long-term Discharges with Treatment)

1. The permittee shall monitor for acute definitive whole effluent toxicity within 60 days of commencement of discharge and once every year thereafter for the duration of coverage.
2. Acute toxicity testing shall be conducted in accordance with subparagraph 62-620.620(3)(h)2., F.A.C.
3. Results from the acute toxicity tests shall be submitted to the Department in accordance with Part V.C. of this permit.
4. The permittee shall comply with the following requirements to evaluate acute whole effluent toxicity of the discharge.
  - (a) Effluent Limitation
    1. The whole effluent acute toxicity 96 hour LC50 shall not be less than 100% effluent in any routine or in any additional follow-up test. [subsection 62-302.200(1), subparagraph 62-302.500(1)(a)4., Rule 62-4.241, and paragraphs 62-4.241(1)(a) or 2(a), F.A.C.]
  - (b) Monitoring Frequency
    1. Routine toxicity tests shall be conducted annually, the first starting within 60 days of commencement and lasting for the duration of this permit.
  - (c) Sampling Requirements
    1. All tests shall be conducted on a single grab sample of final effluent.
  - (d) Test Requirements
    1. Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five dilutions: **100%, 75%, 50%, 25%, and 12.5%** effluent.
    2. The permittee shall conduct 96-hour acute static renewal multi-concentration toxicity tests using the daphnid, **Ceriodaphnia dubia**, and the bannerfin shiner, **Cyprinella leedsii**, concurrently if (a) the discharge is to predominantly fresh waters, as defined in Rule 62-302.200, F.A.C.; or (b) if the discharge is to predominantly marine waters, as defined in Rule 62-302.200, F.A.C., and the effluent salinity is less than 1.0 parts per thousand (ppt) measured as conductivity.
    3. The permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid, **Americamysis (Mysidopsis) bahia**, and the inland silverside, **Menidia beryllina**, concurrently, if the discharge is to predominantly marine waters and the effluent salinity is greater than or equal to 1.0 ppt, measured as conductivity.
    4. All test species, procedures and quality assurance criteria shall be in accordance with **Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms**, EPA-821-R-02-012. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct acute toxicity testing in accordance with the revised method.
    5. For toxicity tests using **Ceriodaphnia dubia** or **Cyprinella leedsii**, the control water and dilution water shall be moderately hard water as described in EPA-821-R-02-012, Table 7.
    6. For toxicity tests using **Americamysis (Mysidopsis) bahia** or **Menidia beryllina**, the control water and dilution water shall be artificial seawater diluted to the test salinity as described in EPA-821-R-02-012, Section 7.2.4. The test salinity shall be determined as follows:
      - (a) When the salinity of the effluent is between 1 and 7 parts per thousand (ppt), the following salinity adjustment shall be used. For the **Americamysis bahia** bioassays, the effluent and the control (0% effluent) shall be adjusted to a salinity of 7 ppt for the 100% effluent test using artificial sea salts.

No salinity adjustment shall be made for the **Menidia beryllina** bioassay test. The salinity of the control/dilution water (0% effluent) shall match the test salinity of the effluent. A salinity adjustment control should be prepared and included with the **Americamysis bahia** bioassay. The salinity adjustment control is intended to identify toxicity resulting from adjusting the salinity of the effluent with artificial sea salts. To prepare the salinity adjustment control, dilute the control/dilution water to the salinity of the effluent and adjust the salinity of the salinity adjustment control to 7 ppt at the same time that the salinity of the effluent is adjusted to 7 ppt, using the same artificial sea salts.

- (b) When the salinity of the effluent is greater than 7 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water (0% effluent) shall match the test salinity of the effluent.

(e) Quality Assurance Requirements

1. A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly acute toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
2. If the mortality in the control (0% effluent) exceeds 10% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated. The repeat test shall begin within 14 days after the last day of the invalid test.
3. If 100% mortality occurs in all effluent concentrations prior to the end of any test and the control mortality is less than 10% at that time, the 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 concentration-response relationship, as required by EPA-821-R-02-012, Section 12.2.6.2., and included with the bioassay laboratory reports.

(f) Reporting Requirements

1. Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
  - If an LC50 >100% effluent occurs for a test species, ">100%" shall be entered on the DMR for that test species. If an LC50 <100% effluent occurs for a test species, the *lowest* calculated required LC50 effluent concentration shall be entered on the DMR for that test species.
2. A bioassay laboratory report for the routine test shall be prepared according to EPA-821-R-02-012, Section 12, Report Preparation and Test Review, and mailed or emailed to the appropriate Department district office within 30 days after the last day of the test.
3. For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-012, Section 12, and mailed or emailed within 30 days after the last day of the second valid additional follow-up test.
4. Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
5. The same bioassay data shall not be reported as the results of more than one test.

(g) Test Failures

1. A test fails when the test results do not meet the limits in B.4.(a)1.
2. Additional Follow-up Tests:
  - (a) If a routine test does not meet the acute toxicity limitation in B.4.(a)1., the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with B.4.(d).
  - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
  - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such

that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-012.

3. In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall cease discharging and notify the Department within 21 days after the last day of the third test failure.
4. The additional follow-up testing does not preclude the Department taking enforcement action for acute whole effluent toxicity permit limit failures.

C. Reporting Requirements for Long-Term Discharges

1. The permittee shall complete and submit the attached Discharge Monitoring Report (DMR) to the appropriate Department district office in accordance with the schedules in Table 4 below.
2. The permittee may submit either paper or electronic DMR forms. If submitting paper DMR, the permittee shall make copies of the attached DMR form without altering the original format or content. If submitting electronic DMR, the permittee shall use an electronic DMR system approved in writing by the Department and shall electronically submit the completed DMR to the Department. Data submitted in electronic format are equivalent to data submitted on a signed and certified paper DMR.
3. The results of the monthly monitoring as required Part V.A.5.b., shall be submitted on a quarterly basis, in accordance with the associated DMR due dates below. If there is no discharge during a given month, the permittee shall write "No Discharge" in the DMR.

Table 4

Report Type	Monitoring Period	Due Date
Quarterly DMR	January -March	28-Apr
Quarterly DMR	April-June	28-Jul
Quarterly DMR	July-September	28-Oct
Quarterly DMR	October-December	28-Jan
Purgeable organic compounds in Table 3	Once each year for the duration of coverage under the permit	Attached to next quarterly DMR
Toxicity	Within 60 days after commencement of discharge and once every year thereafter for the duration of coverage under the permit	Attached to next quarterly DMR

4. If the results from the monitoring pursuant to V.A.5. exceed any effluent limitations, or if the monitoring pursuant to V.A.6 indicates the presence of any individual purgeable organic compound in Table 3, the permittee shall do the following within 14 days after receiving the results:
  - (a) complete and submit the attached DMR and/or laboratory report to the appropriate Department district office, and
  - (b) collect and analyze an additional sample for the affected parameters and submit the results to the Department district office that issued coverage in a completed DMR within 14 days after receiving the additional results.

**NOTE:** Any exceedence of effluent limitations is a violation of the permit and possibly subject to enforcement under Section 402.161, Florida Statutes (F.S.) and/or revocation of coverage.

D. Notice of Termination

The permittee shall submit a completed Notice of Termination (attached to this permit) with the final DMR to the appropriate Department district office upon completion of discharge or upon expiration of coverage, whichever occurs first.

## **Part VI. Recordkeeping Requirements**

The permittee shall maintain the following records and make them available for inspection on the permitted site unless the permittee requests another location on DEP Form 62-621.300(1)(b) and that location is specified in the Department's letter authorizing use of the generic permit.

1. Records of all compliance monitoring data and a copy of the laboratory certification showing the certification number of the laboratory for at least 3 years from the date the sample or measurement was taken.
2. Records of all data, including reports and documents, used to complete the Notice of Intent requesting coverage under the permit for at least 3 years from the date the Notice of Intent was filed.
3. Copy of the permit.
4. Copy of the coverage letter.
5. For short-term discharges that do not require treatment, copy of the proof of delivery to the Department of the request for coverage.

## **Part VII. Best Management Practices Plan**

For long-term discharges only, a Best Management Practices (BMP) Plan shall be prepared in accordance with Rule 62-621.260, F.A.C., and may be developed in conjunction with the Remedial Action Plan (RAP) or similar document required by the Department.

## **Part VIII. Other Conditions**

1. The discharge authorized by this permit shall not cause a violation to surface water quality standards.
2. The discharge shall not cause or contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter in such amounts as to form nuisances, produce color, odor, taste or turbidity, in accordance with paragraph 62-302.500(1)(a), F.A.C.
3. When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for revoking and reissuing, or terminating coverage under 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 submitted or corrections reported to the Department within 10 days of discovery.
4. Coverage under this permit may be suspended, revoked and reissued, or terminated in accordance with Rule 62-620.345, F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of State water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.
5. Where specified in subsection 62-621.300(1), F.A.C., documents shall be signed and sealed by a professional engineer registered in the State of Florida pursuant to Chapter 471, F.S.
6. The RAP or equivalent documents and BMP Plan shall be kept on-site and made available to the Department upon request.

## **Part IX. 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. [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 Section 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of

personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge 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. 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.]
7. 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.]
8. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
9. 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.]
10. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), F.A.C.]
11. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160, F.A.C., and 40 CFR 136, as appropriate.
  - (a) Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
  - (b) If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (c) Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit.
  - (d) Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.

- (e) Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C.  
[62-620.610(18), F.A.C.]
12. The permittee shall report to the Department 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 the effluent to exceed any permit limitation or results in an unpermitted discharge,
  2. Any upset which causes the effluent to exceed any limitation in the permit,
  3. Violation of a maximum daily discharge limitation for any of the parameters specifically listed in the permit for such notice, and
  4. Any unauthorized discharge to surface or ground waters.
- (b) Oral reports as required by this subsection shall be provided as follows:
1. For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the 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;
    - e. Estimated amount of the discharge;
    - f. Location or address of the discharge;
    - g. Source and cause of the discharge;
    - h. Whether the discharge was contained on-site, and cleanup actions taken to date;
    - i. Description of area affected by the discharge, including name of water body affected, if any; and
    - j. Other persons or agencies contacted.
  2. Oral reports, not otherwise required to be provided pursuant to subparagraph (b)1. above, shall be provided to the Department 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 shall waive the written report.  
[62-620.610(20), F.A.C.]
13. The permittee shall report all instances of noncompliance not reported under General Condition 11 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by General Condition 12 of this permit. [62-620.610(21), F.A.C.]
14. Bypass Provisions.
- (a) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment systems, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The permittee submitted notices as required under General Condition 14(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 General Condition 12 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 General Condition 14(a)1. through 3. of this permit.
- (d) A permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of General Condition 14(a) through (c) of this permit.

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

15. 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 General Condition 12 of this permit; and
  - 4. The permittee complied with any remedial measures required under General Condition 5 of this permit.
- (b) In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- (c) Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23), F.A.C.]

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