

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

PERMIT NUMBER:

FL0300195

PA FILE NUMBER:

FL0300195-001-IW1N

ISSUANCE DATE:

January 9, 2004

EXPIRATION DATE:

January 9, 2009

RESPONSIBLE AUTHORITY:

Sharon Trost
Deputy Director, Operations Control,
Engineering, and Vegetative Management
Department

FACILITY:

Stormwater Treatment Area 3/4 (STA-3/4
Project)
Palm Beach and Broward Counties

Latitude: 26° 20' 12" N Longitude: 80° 32' 10" W

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

PROJECT DESCRIPTION:

The project is to construct, operate, and maintain Stormwater Treatment Area 3/4 (STA-3/4), the Diversion Structures, Project Inflow Pump Stations, Project Supply Canal, Interior Works, STA-3/4 Discharge Canals, STA-3/4 Seepage Collection System, and US 27 New Bridges, collectively known as the STA-3/4 Project. Together these components (also referred to as Associated Works) will be known as the STA-3/4 Project. The STA-3/4 Project is part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the Everglades Forever Act (EFA) (Section 373.4592, Florida Statutes).

STA-3/4 is located immediately east of and adjacent to Holey Land Wildlife Management Area, west of the North New River Canal, and immediately north of and adjacent to WCA-3A. STA-3/4 consists of three parallel treatment paths flowing from north to south that will provide an effective treatment area of 16,544 acres. STA-3/4 is designed to treat an average of approximately 645,222 acre-feet of runoff annually. These stormwaters are currently being discharged untreated primarily to Water Conservation Areas 2A and 3 via the S-7 and S-8 pump stations.

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The treatment cells are designed to have an operational depth of between 6 inches and 4.5 feet to encourage colonization and continued viability by wetland plants and maximize (to the greatest extent possible utilizing available technology) uptake and removal of phosphorus from the stormwater passing through the cells. Long-term storage of the phosphorus is expected to be provided by peat accretion in STA-3/4. The treated stormwater will then be discharged from STA 3/4 to the L-5 Borrow Canal from the G-376 A-F, G-379 A-E and G-381 A-F structures, and subsequently will be pumped to the North New River Canal by means of existing pump stations S-7, to the Miami Canal by existing pump station S-8 and to western WCA-3A by pump station G-404. Treated water from STA 3/4, once discharged into the L-5 Canal can also be released to WCA-3A via structure S-150 when water levels in the canal are higher than the downstream water level in WCA-3A.

EFFLUENT DISPOSAL:

This permit authorizes the new discharge of treated stormwater from a 16,544 acre constructed wetland marsh system (STA-3/4 Project) to WCA-2A and WCA-3A. Treated water from STA 3/4 will be discharged into the L-5 Borrow Canal from the G-376 A-F, G-379 A-E and G-381 A-F structures, and subsequently will be pumped to the North New River Canal by means of existing pump stations S-7, to the Miami Canal by existing pump station S-8 and to western WCA-3A by pump station G-404. Treated water from STA 3/4, once discharged into the L-5 Canal can also be released to WCA-3A via structure S-150 when water levels in the canal are higher than the downstream water level in WCA-3A. Stormwater treated in the wetland marsh system are pumped, via the G-370 and G-372 inflow pump stations, from the North New River and Miami Canals. Presently, untreated runoff from the S-7/S-2 and S-8/S-3 basins drains into these canals to be routed to the water conservation areas. Stormwater runoff from these basins that is currently flowing untreated will, upon completion of the STA, be diverted into the constructed wetland for treatment utilizing natural, passive physical and biological processes for nutrient removal and water quality improvement. All of the surface waters and wetlands to be impacted by the construction of the project are Class III Waters.

Surface Water Discharge:

A new discharge to L-5 Canal (Class III Fresh waters), D-001, via the G-376 A-F structures. The G-376B outfall point of discharge (D-001) is located approximately at latitude 26° 20' 08" N, longitude 80° 33' 21" W.

A new discharge to L-5 Canal (Class III Fresh waters), D-002, via the G-376 A-F structures. The G-376E outfall point of discharge (D-002) is located approximately at latitude 26° 20' 06" N, longitude 80° 34' 42" W.

A new discharge to the L-5 canal (Class III Fresh waters), D-003, via the G-379 A-E structures. The G-379B outfall point of discharge (D-003) is located approximately at latitude 26° 20' 07" N, longitude 80° 36' 26" W.

A new discharge to the L-5 canal (Class III Fresh waters), D-004, via the G-379 A-E structures. The G-379D outfall point of discharge (D-004) is located approximately at latitude 26° 20' 23" N, longitude 80° 37' 25" W.

A new discharge to the L-5 canal (Class III Fresh waters), D-005, via the G-381 A-F structures. The G-381B structure, outfall point of discharge (D-005) is located approximately at latitude 26° 21' 35" N, longitude 80° 38' 55" W.

A new discharge to the L-5 canal (Class III Fresh waters), D-006, via the G-381 A-F structures. The G-381E structure, outfall point of discharge (D-006) is located approximately at latitude 26° 21' 48" N, longitude 80° 40' 24" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 15 of this permit.

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I. Effluent Limitations and Monitoring Requirements
A. Surface Water Discharges

- During the period beginning upon placing the system into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge non process wastewater from Outfalls D-001, D-002, D-003, D-004, D-005, and D-006. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total (as P) (MG/L)	--	--	Report * (See I.A.7.)	Weekly	7-day flow proportioned composite	EFF-1, EFF-2, EFF-3, EFF-4, EFF-5, and EFF-6
Phosphorus, Total (as P) (MG/L)	--	--	Report *	Weekly	7-day flow proportioned composite	SWU-001 & SWU-002
Oxygen, Dissolved (DO) (MG/L)	5.0	--	--	Weekly	Meter	EFF-1, EFF-2, EFF-3, EFF-4, EFF-5, and EFF-6
Oxygen, Dissolved (DO) (MG/L)	Report	--	--	Weekly	Meter	SWU-001 & SWU-002
Flow (CFS)	--	Report	Report	Continuous	Recorder	EFF-1, EFF-2, EFF-3, EFF-4, EFF-5, and EFF-6
pH (SU)	6.0	8.5	--	Weekly	Meter	EFF-1, EFF-2, EFF-3, EFF-4, EFF-5, and EFF-6

* Monitoring results for this parameter shall be reported as a 12-month moving flow-weighted average. No violations for the annual average limit will be deemed to have occurred until data have been compiled for the first 12 months after the issuance date of the permit. For the first 11 months after issuance of this permit, the monitoring results for this parameter shall be recorded on the DMR as NODI=9. Starting with the 12th month and lasting until the expiration of this permit, the monitoring results for this parameter shall be recorded on the DMR as a 12-month moving flow-weighted average.

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

Sample Point	Description of Monitoring Location
EFF-1	Sampling location for Outfall D-001 at the G-376B structure
EFF-2	Sampling location for Outfall D-002 at the G-376E structure
EFF-3	Sampling location for Outfall D-003 at the G-379B structure
EFF-4	Sampling location for Outfall D-004 at the G-379D structure
EFF-5	Sampling location for Outfall D-005 at the G-381B structure
EFF-6	Sampling location for Outfall D-006 at the G-381E structure
SWU-001	Upstream background sampling location at the G-370 Pump Station.
SWU-002	Upstream background sampling location at the G-372 Pump Station.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.
4. The discharge shall not cause a visible sheen on the receiving water. This provision shall not be interpreted to prevent the discharge of constituents normally found in or resulting from marsh wetland systems.
5. The discharge shall not cause phosphorus concentrations in the receiving waters to be altered so as to cause or contribute to an imbalance in natural populations of aquatic flora or fauna. The permittee may not be able to immediately comply with this condition and therefore, this permit is issued pursuant to Subsection 403.088(2)(e) of the Florida Statutes and is consistent with the Everglades Forever Act (EFA), §373.4592, Fla. Stat. By operation of the EFA, a numeric effluent limit for phosphorus shall be derived in accordance with state policy as contained in the EFA, § 373.4592(4)(e), Fla. Stat., which provides that if the Department does not adopt by rule a revised phosphorus water quality criterion by no later than December 31, 2003, the numeric criterion for phosphorus shall be 10 parts per billion (ppb) in the Everglades Protection Area. Upon adoption of a revised criterion or the default criterion becoming effective, and upon approval by EPA, an effluent limitation shall be established for this permit, in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. If an effluent limitation is established for this permit based upon the default criterion, that effluent limitation will be replaced with a new effluent limit based on the approved phosphorus numeric interpretation of the narrative phosphorus criterion once rulemaking for the phosphorus criterion and an appropriate effluent limitation is promulgated under the requirements of the EFA and the Consent Decree. The new effluent limit will be based on the numeric phosphorus criterion, the associated implementation strategy, and the relationship between waters discharged to, and the resulting water quality in, the Everglades Protection Area in a manner consistent with the EFA, the federal Consent Decree in USA v. SFWMD, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws. Persons whose substantial interests are affected by modification of this permit to include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

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B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. 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 appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
 - c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used with a U or I qualifier code, as applicable.

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. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Reports (DMRs), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and

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shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the third month following the month of sampling 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

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

3. 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 Southeast District Office of the Department and to the Department's Division of Water Resource Management, Water Quality Standards and Special Projects Program at the address specified below:

Florida Department of Environmental Protection
Southeast District Office
100 North Congress Avenue
West Palm Beach, FL 33401

Phone Number- (561) 681-6600

Fax Number * - (561) 681-6755

AND

Florida Department of Environmental Protection
Division of Water Resource Management
Water Quality Standards and Special Projects Program
2600 Blairstone Road, MS 3560
Tallahassee, FL 32399-2400

Phone Number- (850) 425-8417

Fax Number * - (850) 412-0653

(*All FAX copies shall be followed by original copies.)

4. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C. [62-620.305, 10-23-00].
5. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
6. 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.

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7. Upon demonstration that a specific parameter(s) is consistently shown to be undetected in the effluent, the permittee may request a modification to the monitoring program as appropriate. A minimum of one year of data, for those parameters being sampled quarterly or more frequently, will be required prior to the Department approving any modification to the monitoring program. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters which consistently shown to be undetected in the effluent.

II. Industrial Sludge Management Requirements

1. This section not applicable to this facility.

III. Ground Water Monitoring Requirements

1. This section is not applicable to this facility.

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 at the South Florida Water Management District headquarters office at the address specified above 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;

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- f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.
2. Records of all compliance monitoring information, including all calibration and maintenance records 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;
3. Copies of all reports, other than those required in items 1. and 6. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
4. 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;
5. A copy of the current permit;
6. A copy of any required record drawings;
7. Copies of the logs and schedules showing project operations and maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. An Operations Plan shall be developed and submitted by the permittee to the Department no later than six months after issuance of the permit.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. The following documents (design documents), not attached hereto, but retained on file with the Department, are made a part hereof:
 - a. 1994 Conceptual Design Document for the Everglades Protection Project;
 - b. The April 1996, General Design Memorandum for STA-3/4;
 - c. The June 2000, Plan Formulation Document;
 - d. The August 2000, Plan Implementation Document; and,
 - e. The October 2000, Design Criteria Document.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Wastewater program permitting requirements only. The Department and the permittee acknowledge the issuance of other permits related to the STA-3/4 Project. Additional related permits include

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FDEP Permit No. 0178018, which authorizes temporary dewatering activities for the construction of facilities within the STA-3/4 and STA-2 Hydropattern Restoration Projects, FDEP Permit No. 0192895 (EFA permit), and the U.S. Army Corps of Engineers 404 Permit No. 199404532. This permit is supplemental to these permits and does not supersede any of these permits.

B. Specific Conditions Related to Construction

1. Within thirty days of completion of construction contract, 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 or other engineer registered in the state of Florida. For purposes of this permit, completion of construction shall mean completion and closure of the construction contract for this project.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of placing the facilities into flow-through operation.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Pollution Prevention Plan

1. The document entitled "Stormwater Treatment Area-3/4 Pollution Prevention Plan" dated May 13, 2002, is hereby incorporated by reference and made a part of this permit as Exhibit A.
2. The STA-3/4 Project shall be operated in accordance with the Pollution Prevention Plan (PPP).

If the permitted facilities are demonstrated to be not achieving compliance with the requirements of this permit, the permittee shall modify the PPP or the Operations Plan as appropriate.

E. Reopener Clause

This permit currently contains the narrative water quality standard for nutrients. In accordance with Subsection 373.4592(4)(c) of the Everglades Forever Act (EFA), the Florida Department of Environmental Protection filed a notice of rulemaking in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. By operation of the EFA, if the Department does not adopt by rule a revised phosphorus water quality criterion by December 31, 2003, the numeric criterion for phosphorus shall be the default of 10 ppb in the Everglades Protection Area. In either case, the numeric phosphorus criterion and implementation methodology must

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be submitted to EPA for approval. The USEPA shall review the water quality data that the state develops pursuant to the EFA, Subsection 373.4592(4)(c)1., Fla.Stat., and the interpreted numeric phosphorus criterion approved by the Florida Environmental Regulation Commission in accordance with the EFA, Subsection 373.4592(4)(c)2., Fla.Stat., and shall approve the criterion provided it adequately protects the designated uses of the Everglades Protection Area, and complies with the Clean Water Act and implementing regulations. The same standard of review will apply to this criterion that applies to all other proposed state water quality standards.

Within 90 days of approval by EPA of the adopted numeric criterion or 10 ppb default criterion, a new effluent limitation shall be established for this permit. This new effluent limitation, which becomes effective on December 31, 2006, will be based on the numeric phosphorus criterion and associated implementation strategy, in a manner consistent with the EFA, the Federal Consent Decree in *USA v. SFWMD*, Case No. 88-1886-CIV-HOEVELER, as may be modified, and other applicable state and federal laws and that recognizes the relationship between waters discharged to, and the resulting water quality in the Everglades Protection Area. Persons whose substantial interests are affected by modification of this permit to include a new effluent limitation for phosphorus will be afforded a point of entry under Chapter 120, Florida Statutes.

Pursuant to Subsection (10)(a) of the EFA, the District shall submit to the Department a permit modification to incorporate proposed changes to the Everglades Construction Project and this permit by December 31, 2003. These changes shall be designed to achieve compliance with the phosphorus criterion and the other state water quality standards by December 31, 2006.

In the event that the state of Florida revises the dissolved oxygen criterion, or establishes a site specific alternative criterion (SSAC) or other moderating provision for dissolved oxygen in the Everglades Protection Area, the numeric effluent limitation for dissolved oxygen contained in this permit shall be revised.

F. Hydropattern Restoration

This permit does not authorize the hydropattern restoration of WCA-3A. Once the performance of STA-3/4 has been optimized and long-term water quality solutions for S-7/S-2 and S-8/S-3 basins have been implemented, it is anticipated that discharges from STA-3/4 will be diverted directly into WCA-3A to assist in hydropattern restoration in accordance with Subsection (4)(b) of the EFA. Future WCA-3A hydropattern restoration plans will be coordinated with CERP implementation. Implementation of hydropattern restoration in WCA-3A associated with STA-3/4 will require review and approval by the Department in the form of a modification to this permit. The modification will require downstream monitoring which must be implemented sufficiently in advance to establish a scientifically-defensible baseline and may include transect monitoring, if appropriate. The monitoring plan should be submitted to the Department for review and approval prior to the commencement of monitoring.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitute grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]

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3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9), F.A.C.]

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10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), F.A.C.]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.

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[62-620.610(17), F.A.C.]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations, which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. 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, 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. Field 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.
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally 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.

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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 within 24 hours from the time the permittee becomes aware of the discharge.

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.]

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

22. Bypass Provisions:

- a. The term "bypass" shall mean the intentional diversion of waste streams from any portion of the treatment works. The term "bypass" does not include waters diverted around the entire STA-3/4 project via the G-371 and G-373 structures, to prevent damage to the facility (usually caused by flooding) or for water resource needs such as the prevention of adverse impacts to public and/or environmental health as described in Condition b. below.

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

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

23. Upset Provisions:

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

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

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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION


Jerry Brooks
Deputy Division Director
Water Resource Management

DATE: 1/9/04