

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

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

PERMIT NUMBER:

FL0177954

PA FILE NO.:

FL0177954-003-IW7A

ISSUANCE DATE:

September 4, 2007

EXPIRATION DATE:

September 4, 2012

RESPONSIBLE AUTHORITY:

Ms. Carol Ann Wehle
Executive Director

FACILITY:

Stormwater Treatment Area 5
(STA-5)
Hendry and Palm Beach Counties

Latitude: 26°26'4.00"N Longitude: 80°56'50.03"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 (Order), AO-011-EV, pursuant to Subsections 403.088 (2)(e) and (f), F.S. Compliance with AO-011-EV is a specific requirement of this permit. 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.

PROJECT DESCRIPTION:

This permit authorizes the continued construction, operation and maintenance of Stormwater Treatment Area (STA) 5. Initial construction and operation of this facility was previously authorized and completed under Florida Department of Environmental Protection (Department) National Pollution Discharge Elimination Program (NPDES) Permit No.: FL0177954-001-IW7A and Everglades Forever Act (EFA) Permit No. 0131842-001. STA-5 is a part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the EFA, Section 373.4592, F.S. The STA-5 project (Figure 1) consists of the STA-5 Inflow Structures, STA-5 Interior Treatment Works, STA-5 Outflow Structures, STA-5 Discharge Canal and Associated Bridge, STA-5 Seepage Collection and Return Systems, STA-5 Water Supply Pump Stations, G-406 Structure, G-409 Pump Station, G-357 Structure, G-404 Pump Station, Southern L-4 Levee Gap, Deer Fence Canal Bridge and Deer Fence Road, Rotenberger Hydropattern Restoration, and STA-5 Outlet Canal. In addition to existing operation and maintenance activities, this permit also authorizes construction, operation, and maintenance of additional features approved by the Department under the Everglades Protection Area Tributary Basins Long-Term Plan for Achieving Water Quality Goals (Long-Term Plan), as defined in the Everglades Forever Act (EFA) Section 373.4592, F.S. The Long-Term Plan includes structural, vegetative and operational enhancements for STA-5 to improve hydraulic distribution and phosphorus removal performance. STA-5 is a Stormwater Management System (SMS) as defined in Subsection 373.403(10), F.S., and therefore is not subject to state surface water quality standards within STA-5 pursuant to Section 373.4142, F.S.

EFFLUENT DISPOSAL:

This permit authorizes the discharge of treated stormwater from a 6,670 acre constructed wetland system (STA-5) to either the Miami Canal, via the STA-5 Outlet Canal, or to the Rotenberger Wildlife

Management Area (WMA), via the G-410 Pump Station. Treated water from STA-5 will be discharged into the STA-5 Discharge Canal from the G-344A-F Outflow Structures. Once treated water has reached the Discharge Canal, it is directed either to the Miami Canal (via the STA-5 Outlet Canal) or to the Rotenberger Wildlife Management Area (WMA) via the G-410 Pump Station. The G-410 pump station allows a portion of the STA-5 discharges to be routed to the Rotenberger WMA and ultimately to the Miami Canal via Rotenberger discharge structures G-402A-D. Discharges to the Rotenberger WMA are for the purpose of hydrologic restoration of the approximate 29,000-acre WMA. The majority of the STA-5 discharges are directed to the Miami Canal via the STA-5 Outlet Canal. Wetlands and surface waters located within the receiving water bodies (Rotenberger WMA and the Miami Canal) are Class III waters; and the Rotenberger WMA is an Outstanding Florida Water, pursuant to Rule 62-302.700(9)(f)48, F.A.C.

Surface Water Discharge:

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-001(G-344A) is located approximately at latitude 26° 27' 30" N, longitude 80° 53' 01" W.

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-002(G-344B) is located approximately at latitude 26° 27' 04" N, longitude 80° 53' 01" W.

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-003 (G-344C) is located approximately at latitude 26° 26' 34" N, longitude 80° 53' 01" W.

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-004 (G-344D) is located approximately at latitude 26° 26' 11" N, longitude 80° 53' 01" W.

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-005 (G-344E) is located approximately at latitude 26° 25' 46" N, longitude 80° 53' 01" W.

An existing discharge to the Miami Canal (Class III Fresh waters), the monitoring group D-006 (G-344F) is located approximately at latitude 26° 25' 20" N, longitude 80° 53' 01" W.

IN ACCORDANCE WITH:

The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 17 of this permit.

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge stormwater from Outfall 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) (ppb)	--	--	10 ppb ¹ See I.A.5 ²	Weekly	7-day flow proportioned composite	EFF-1 through EFF-6
Phosphorus, Total (as P) (ppb)	--	--	Report ¹ See I.A.6	Weekly	7-day flow proportioned composite	INT-1 through INT-6
Oxygen, Dissolved (DO), (mg/L)	See I.A.7			Weekly	Grab (Meter)	EFF-1 through EFF-6
Oxygen, Dissolved (DO), (mg/L)	Report			Weekly	Grab (Meter)	INT-1 through INT-6
Flow (CFS)	--	Report	Report See I.A.6	Continuous	Recorder	EFF-1 through EFF-6. INT-1 through INT-6
pH (SU)	6.0	8.5	--	Weekly	Grab (Meter)	EFF-1 through EFF-6

¹ Monitoring results for this parameter shall be reported as a monthly average and as an annual average. The “monthly average” is a flow-weighted mean of the weekly effluent samples. The “annual average” shall be computed for each water year (May-April) and is equal to the flow-weighted mean concentration for the water year.

² The 10 ppb effluent limit represents the phosphorus criterion set forth in Rule 62-302.540(4)(a), F.A.C. and is consistent with Section 301(b)(1)(C) of the CWA. A water quality based effluent limitation (WQBEL) for phosphorus will be established in accordance with Rule 62-650 F.A.C. and Section 373.4592 Florida Statutes by December 31, 2010 and will be a major permit modification. It is recognized that the ultimate WQBEL to be developed may be higher than a flow-weighted mean of 10 ppb. The antibacksliding provisions of the CWA and NPDES regulations do not apply to an effluent limitation with a delayed compliance date, until the date of compliance. In this case, restrictions on backsliding would not apply to the 10 ppb permit effluent limit until the established WQBEL takes effect at the end of the compliance schedule.

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 ³
EFF-1	Sampling location for Outfall D-001 at the G- 344A Structure
EFF-2	Sampling location for Outfall D-002 at the G- 344B Structure
EFF-3	Sampling location for Outfall D-003 at the G- 344C Structure
EFF-4	Sampling location for Outfall D-004 at the G- 344D Structure
EFF-5	Sampling location for Outfall D-005 at the G- 344E Structure
EFF-6	Sampling location for Outfall D-006 at the G- 344F Structure
INT-1	Inflow monitoring location at the G-342A Structure
INT-2	Inflow monitoring location at the G-342B Structure
INT-3	Inflow monitoring location at the G-342C Structure
INT-4	Inflow monitoring location at the G-342D Structure
INT-5	Inflow monitoring location at the G-342E Structure
INT-6	Inflow monitoring location at the G-342F Structure

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 discharges of constituents normally found in or resulting from marsh wetland systems.
5. The discharge shall not cause phosphorus concentrations in the receiving waters to exceed the criteria in Rule 62-302.540(4)(a), F.A.C., except as authorized in the accompanying Order (AO-012-EV) which is hereby incorporated by reference.
6. Samples taken in accordance with Section I.A.1 and submitted monthly as part of the Discharge Monitoring Report (DMR) shall be analyzed to provide an annual assessment as to whether the facility is operating within or outside the operational envelope. The assessment shall be based on annual inflow volumes and phosphorus loads and shall compare flows and loads to the corresponding average values contained in the operational envelope described in Exhibit A (Goforth et al, 2007). If the annual inflow volumes or phosphorus loads exceed the corresponding average values of the operational envelope during an annual compliance period, the District shall conduct a review of potential causes and include this review in the annual report. Departmental concurrence shall be obtained prior to initiating Lake Okeechobee regulatory or water supply releases that would result in an exceedance of the maximum levels of flow or phosphorus load contained in the operational envelope.

³ Subject to adequate justification, the permittee may request a reduction in the number of effluent monitoring stations.

7. The dissolved oxygen parameter shall meet the requirements set forth in the Everglades Marsh Dissolved Oxygen Site Specific Alternative Criteria (DO SSAC, Exhibit B). Compliance with the DO SSAC shall be evaluated annually using a statistical analysis to compare dissolved oxygen levels within facility discharges to predicted model values. The specific methods for determining compliance are set forth in the DO SSAC which was adopted by Secretarial Order on January 26, 2004, and approved by the U.S. Environmental Protection Agency as a revision to the State of Florida's water quality standards on June 16, 2004.

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 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 April 25, 2006, is available from the Department at <http://www.dep.state.fl.us/labs/guidance/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide 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 MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

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.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs and PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs is not necessary if the laboratory reported MDLs and PQLs are less than or equal to the

permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above referenced list is not necessary if the analytical method is in accordance with 40 CFR 136.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Field measurement methods for pH and dissolved oxygen shall be in accordance with relevant sections in DEP SOP 001/01, 2/1/2004.
3. Herbicide use is authorized for maintenance purposes if the use is in accordance with the labeled instructions and any applicable State permit. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream, which ultimately may be released to waters of the State, is prohibited unless specifically authorized by this permit and documented in the administrative record.

The permittee shall notify the Department in writing at the address listed in Condition I.E.5 no later than three months prior to instituting use of any chemical in any portion of the treatment system which is not already authorized by this permit and may be toxic to aquatic life. The Department shall review the above information to determine if a permit revision is necessary. Such notification shall include:

- a. Name of chemical;
 - b. Chemical manufacturer;
 - c. Frequency of use; and
 - d. Quantities to be used.
4. The District shall notify the Department within 24 hours of any unanticipated diversions of flow through the G-407 gated structure. Notifications of diversions through this structure shall be made pursuant to the requirements of the STA-6 NPDES permit.
 5. 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 Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type below and indicated on the DMR forms. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates to the address specified below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly ⁴	first day of month – last day of month	28 th day of the third month following the month of sampling
Annual	May-April	28 th day of July

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

6. 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 Department's Tallahassee Office and the Southeast District Office at the addresses specified below:

Florida Department of Environmental Protection
 Division of Water Resource Management
 Water Quality Standards & Special Projects Program
 2600 Blair Stone Road
 Tallahassee, FL 32399-2400
 Phone Number - (850) 245-8416
 Fax Number* - (850) 412-0681

AND

Florida Department of Environmental Protection
 Southeast District Office
 400 N. Congress Avenue
 West Palm Beach, FL 33416-5425
 Phone Number - (561) 681-6600
 Fax Number* - (561) 681-6755

*All FAX copies shall be followed by original copies.

7. The permittee shall submit an Annual Report (the South Florida Environmental Report) demonstrating compliance with the terms of this permit and according to the schedule as set forth in Section VI.1. The Annual Report shall provide details regarding status of implementation of the improvements, enhancements, and strategies identified in this permit. Specifically, the report shall include details regarding:
- Implementation of projects affecting flows and loads to STA-5;
 - source control implementation and optimization;
 - STA design modifications;
 - improvements, enhancements, and strategies that have been initiated and/or completed within the previous year;
 - any delays in the implementation of the improvements, enhancements, or strategies and the duration of the delays;

⁴ DMRs shall be submitted for each required monitoring period including months of no discharge.

- f. operational status of the STA;
 - g. whether the facility is achieving the effluent limitations set forth in the TBEL and/or the implementation status of STA Recovery Plans;
 - h. whether revisions and/or additions to the improvements, enhancements, and strategies are recommended;
 - i. implementation of remedial measures in the event of non-compliance with permit conditions; and,
 - j. An assessment of the inflow volumes and phosphorus loads during the year relative to the anticipated operational envelope contained in the Technical Support Document for the STA-5.
8. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
 9. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
 10. Upon demonstration that a specific parameter(s) is consistently shown to be undetected in the effluent, the permittee shall 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, shall 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 are consistently shown to be undetected in the effluent.

II. Industrial Sludge Management Requirements

1. This section is 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 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.
3. Activities such as ongoing maintenance may have adverse impacts on STA performance. In addition, major events may compromise the structural integrity or performance of the STA or section(s) of the STA. Such activities or events will be subject to the planned changes, bypass, and/or upset provisions set forth in Section VIII Paragraphs 17, 22, and 23.

B. Record Keeping Requirements:

1. The permittee shall maintain the following records at the South Florida Water Management District's (District) headquarters 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.

VI. Schedules

1. The Annual Report shall be received by the Department no later than March 1 of each year following the date of issuance of this permit. Each Annual Report shall present the information for the previous water year, from May 1 to April 30. Upon approval by the Department, the District may modify the Annual Report submission date to coincide with multiple reporting requirements and time periods needed for data acquisition and analysis.
2. A revised Pollution Prevention Plan (PPP) shall be prepared and implemented in accordance with the following schedule:

Action Item		Scheduled Completion Date
1	Develop and Implement revised Pollution Prevention Plan	Completion of scheduled Long-Term Plan enhancements to STA-5
2.	Submittal of revised Pollution Prevention Plan if additional enhancements are implemented	Changes that warrant modifications to the current PPP + 90 days

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file with the Department, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) F.S., 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 the 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

1. Within 30 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 or other engineer registered in the state of Florida.
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 operation .

C. Duty to Reapply

1. The permittee shall apply for renewal of this permit at least 180 days before the expiration date of this permit using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

D. Specific Conditions Related to the Pollution Prevention Plan

1. A revised PPP shall be prepared, submitted to the Department for review and approval, and implemented in accordance with the schedule set forth in Section VI.2.
2. The STA-5 Project shall be operated in accordance with the existing PPP (Exhibit C) until such time as a revised PPP is approved by the Department. If the permitted facilities are demonstrated not to be achieving compliance with the requirements of this permit, the permittee shall submit a modified PPP for Department review and approval as appropriate.

E. Re-opener 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 standard, limitation, or water quality standard 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 this permit.

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

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future water quality based effluent limitation (WQBEL) determinations, water quality studies, Department 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 may revise this permit to incorporate the final findings of the TMDL, in accordance with Section 403.067, F.S.

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(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 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 re-issuance, 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 U.S. Environmental Protection Agency (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 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), or as specified elsewhere in the permit.
 - 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. {DAC comment: We should double-check to be sure that anywhere we intend to use a geomean we are specifically stating so (see comments to Table I.A.1 footnotes)}
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C. [62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department's Tallahassee Office and the Southeast 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 Southeast 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 Southeast 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.17, 18, 19, and 20 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII.20. of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit

notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

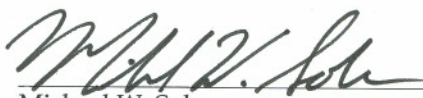
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a.(1) through (3) of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.
[62-620.610(22), F.A.C.]

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 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.]

DONE AND ORDERED on this 4th day of September, 2007 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Michael W. Sole
Secretary

MS/jb/jh

FILING AND ACKNOWLEDGMENT

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


Clerk

09/04/07
Date

PARTIES REQUESTING NOTICE:

Miccosukee Tribe of Indians of Florida, c/o Dexter Lehtinen, Esq.
Miccosukee Tribe of Indians of Florida, c/o Kelly Brooks, Esq.
United States Sugar Corporation, c/o Bubba Wade
Seminole Tribe of Indians of Florida, c/o Stephen A. Walker, Esq.
Sugar Cane Growers Cooperative, Roth Farms, Inc., and Wedgeworth Farms, Inc.,
c/o William H. Green, Esq.
Keith Saxe, Esq., U. S. Department of Justice
Michael Stevens, U.S. Department of the Interior (fax)
Jeffrey J. Ward, Sugar Cane Growers Cooperative
Philip S. Parsons, Landers & Parsons
Helen Hickman, Brown & Caldwell
Tom MacVicar, MacVicar, Frederico, & Lamb
Charles Lee, Florida Audubon Society
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Michelle W. Smith, Esq., Earl, Blank, Cavanaugh & Stotts

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Jeff Bielling, FL. Dept. of Community Affairs
Linda McCarthy, FL. Dept. of Agriculture
Charles Oravetz, Nat. Marine Fisheries Service
Don Klima, U.S. Advisory Council on Historic Preservation
John Childe, Friends of the Everglades
David Reiner, Friends of the Everglades
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Permittee: South Florida Water Management District
Project: Stormwater Treatment Area 5
File No.: FL0177954-003-IW7A
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