



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF PERMIT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit by:

Cedar Bay Generating Company L.P.
Ms. Tracey Patterson
General Manager
9640 Eastport Road
Jacksonville, Florida 32218

PA File No. FL0061204-003-IW1N
Cedar Bay Generating Company
NPDES Permit No. FL0061204
Duval County

Enclosed is Permit FL0061204, issued under Section 403.0885, Florida Statutes, and DEP Chapter 62-620, Florida Administrative Code, authorizing Storm water associated with industrial activity to discharge from the Cedar Bay Generating Company, Duval County to the Broward River a Class III Fresh water.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68, Florida Statutes, by the filing of a Notice of Appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Janet G. Llewellyn
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 11-08-10 to the listed persons.

[Clerk Stamp]

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Shirley Shields 11-08-10
(Clerk) (Date)

Copies furnished by certified mail to:

Mark Nuhfer, NPDES Permitting Section, EPA Region 4, Atlanta, GA
Chairman, Board of Duval County Commissioners
Jeff Walker, Cedar Bay Generating Company

Copies furnished by intradepartmental mail to:

Khalid Al-Nahdy, P.E., DEP Jacksonville
Jeff Martin, P.E., DEP Jacksonville
Mike Halpin, P.E., DEP Tallahassee
Justin Wolfe, Esq., DEP Tallahassee

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Cedar Bay Generating Company, L.P.
9640 Eastport Road
Jacksonville, Florida 32218

RESPONSIBLE OFFICIAL:

Mr. Tracy Patterson
General Manager

PERMIT NUMBER: FL0061204 (Minor)

FILE NUMBER: FL0061204-003-IW1S

ISSUANCE DATE: November 5, 2010

EXPIRATION DATE: November 4, 2015

FACILITY:

Cedar Bay Generating Plant
9640 Eastport Road
Jacksonville, Florida 32218
Duval County

Latitude: 30° 25' 17.09" N Longitude: 81° 36' 25.07" 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. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named Permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

The facility is a steam generating plant which provides up to 380,000 pounds/hour of steam to an adjacent paper mill, as well as 262 megawatts MW of electricity for revenue. The facility consists of three circulating fluidized bed steam generators (Units A, B and C), a coal handling area, a limestone handling area, and an ash handling area. Each steam electric unit is capable of burning a variable combination of crushed coal, petroleum coke, tire derived fuel and number 2 fuel oil. The fuel for Units B and C may also be supplemented with short fiber recycle rejects from the paper mill.

The facility is not permitted to discharge industrial wastewater to waters of the state. This permit authorizes discharge of storm water associated with industrial activity, after specified rainfall events, to the Broward River, estuarine, predominantly marine, Class III marine water. This permit does not authorize discharge of process or non-process industrial wastewater.

The facility is also regulated under the Florida Electrical Power Plant Siting Act (License No. PA88-24)

WASTEWATER TREATMENT:

Storm water from the facility consists of emergency overflow from the Yard Area Retention Pond (YARP) and the Storage Area Retention Pond (SARP).

The area draining to the YARP consists of the areas surrounding the power block and cooling tower. The runoff from this area is conveyed by overland gravity flow and dedicated drains. The total drainage area to the YARP is 12.3 acres, which includes the pond that is 2.19 acres. The YARP is equipped with a 500 gallon per minute (gpm) vertical centrifugal pump that connects to a pipeline and conveys storm water to the on-site wastewater treatment system for use as cooling tower make-up water.

Stormwater runoff from the lined coal and ash related areas along with runoff from the limestone area is collected and directed to the 80-mil high-density polyethylene lined SARP. The total drainage area to the SARP is 12.6 acres, which includes the pond that is 1.7 acres. As is done in the YARP, storm water from the pond is pumped to the on-site wastewater treatment system for use as cooling tower make-up water. The pump at the pond is sized for 500 gpm.

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

EFFLUENT DISPOSAL:

Storm Water Discharge D-001: An existing permitted discharge from the YARP to Broward River, Class III Marine Waters, (WBID 2191). The point of discharge is located approximately at latitude 30° 25' 22" N, longitude 81° 36' 34" W.

Storm Water Discharge D-002: An existing permitted discharge from the SARP to Broward River, Class III Marine Waters, (WBID 2191). The point of discharge is located approximately at latitude 30° 25' 18" N, longitude 81° 36' 31" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 19 of this permit.

PERMITTEE: Cedar Bay Generating Company L.P.
 FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
 EXPIRATION DATE: November 4, 2015

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges

1. The Permittee shall not discharge cooling tower blowdown water systems, low volume wastes (demineralizer regeneration, floor drains, laboratory drains and similar wastes) and other process wastewater into any waters of the State.
2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the Permittee is authorized to discharge from Outfall D-001 (formerly D-003), the Yard Area Runoff Pond Emergency Overflow, to Broward River. Such discharge shall be limited and monitored by the Permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Daily, when discharging	Calculated	FLW-1	
pH	s.u.	Min Max	6.5 8.5	Daily Minimum Daily Maximum	Daily, when discharging	Grab	STM-1	
Solids, Total Suspended	mg/L	Max	50.0	Daily Maximum	Daily, when discharging	Grab	STM-1	
Iron, Total Recoverable	mg/L	Max	0.3	Daily Maximum	Daily, when discharging	Grab	STM-1	
Length of Discharge	Days	Max	60	Annual Maximum	Monthly	Calculated	STM-1	See I.A.4

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

Monitoring Site Number	Description of Monitoring Site
FLW-1	Overflow weir from the Yard Area Runoff Pond into the Broward River.
STM-1	Discharge from the Yard Area Runoff Pond to the Broward River prior to mixing with any other discharge or with the receiving water.

4. During normal plant operation, discharge of storm water from Outfall D-001 is authorized after rainfall events exceeding the 22-year 24-hour storm event (8.75 inches of rainfall in 24 hours).
5. During periods of operation when the facility is off-line or is incapable of storm water transfer from the Yard Area Retention Pond, discharge of storm water from Outfall D-001 is authorized after the cumulative runoff volume exceeds the runoff volume for a 12-year, 24-hour storm event (7.57 acre-feet). This exception is valid for a period no longer than 60 days in a calendar year.
6. Monitoring at Outfall D-001 is not required in the event that discharge is due to a rainfall event greater than the 50-year, 24-hour storm event (9.6 inches in 24 hours).
7. During the period beginning on the issuance date and lasting through the expiration date of this permit, the Permittee is authorized to discharge from Outfall D-002 (formerly D-008), the Storage Area Runoff Pond Emergency Overflow, to Broward River. Such discharge shall be limited and monitored by the Permittee as specified below:

PERMITTEE: Cedar Bay Generating Company L.P.
 FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
 EXPIRATION DATE: November 4, 2015

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Daily, when discharging	Calculated	FLW-2	
pH	s.u.	Min Max	6.5 8.5	Daily Minimum Daily Maximum	Daily, when discharging	Grab	STM-2	
Solids, Total Suspended	mg/L	Max	50.0	Daily Maximum	Daily, when discharging	Grab	STM-2	
Iron, Total Recoverable	mg/L	Max	0.3	Daily Maximum	Daily, when discharging	Grab	STM-2	
Length of Discharge	Days	Max	60	Annual Maximum	Monthly	Calculated	STM-2	See I.A.8

8. Effluent samples shall be taken at the monitoring site locations listed in permit Condition I.A.7 and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-2	Overflow weir from the Storage Area Runoff Pond into the Broward River.
STM-2	Discharge from the Storage Area Runoff Pond to the Broward River prior to mixing with any other discharge or with the receiving water.

9. The Permittee shall not discharge from the Storage Area Runoff Pond Outfall D-002, except during rainfall events exceeding the 25-year, 24-hour storm event. During periods of operation when the facility is off-line or is incapable of storm water transfer from the Storage Area Retention Pond, discharge of storm water from Outfall D-002 is authorized after the cumulative runoff volume exceeds the runoff volume for a 25-year, 24-hour storm event (7.15 acre-feet). This exception is valid for a period no longer than 60 days in a calendar year.
10. Monitoring is not required for discharges which result from rainfall events exceeding the 50-year, 24-hour storm event. However, monitoring of Outfall D-002 is required in the event that a discharge does occur as a result of rainfall events less than the 50-year, 24-hour storm event.
11. There shall be no discharge of floating solids or visible foam in other than trace amounts.
12. The discharge shall not cause a visible sheen on the receiving water.

B. 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 conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and 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 quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/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

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

only" in the permit shall use methods that provide an MDL, 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.

When the analytical results are below method detection or practical quantitation 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 or PQLs for any approved analytical method. 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. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

2. The Permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below:

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

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee may submit either paper or electronic DMR form(s). If submitting paper DMR form(s), the permittee shall make copies of the attached DMR form(s). If submitting electronic DMR form(s), the permittee shall use a Department-approved electronic DMR system.

The electronic submission of DMR forms shall accepted only if approved in writing by the Department. For purposes of determining compliance with this permit, data submitted in electronic format is legally equivalent to data submitted on signed and certified DMR forms.

The permittee shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the addresses specified below:

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

[62-620.610(18)]

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Northeast District Office at the address specified below:
- Northeast District Office
7825 Baymeadows Way, Suite 2008
Jacksonville, FL 32256-3303
Phone Number - 904-807-3300
FAX Number - (904) 448-4366 (All FAX copies shall be followed by original copies.)
5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. The Permittee shall dispose of all known PCB equipment, articles, and wastes in accordance with 40 CFR 761. The Permittee shall certify each time that this disposal has been accomplished.
9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to surface waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.
10. The Permittee shall not store coal, soil, nor other similar erodible materials in a manner in which runoff is uncontrolled, nor conduct construction activities in a manner which produces uncontrolled runoff unless such uncontrolled runoff is specifically approved by the permitting authority.
11. In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property attributable to each controlled waste source shall not exceed the specified limitation for that waste source (ref. 40 CFR Section 423.15(n)).
12. In the event that a discharge occurs from either Outfall D-001 or D-002, the Permittee shall monitor the discharge for the following parameters and report the monitoring results on Form 2F (DEP Form 62-620.910(8), F.A.C.), pages VII-1 and 2, for each discharge pursuant to the schedule in Condition VI.4 of this permit:

Total Suspended Solids	Chemical Oxygen Demand	Oil & Grease
Biochemical Oxygen Demand	Total Phosphorus	pH
Total Kjeldahl Nitrogen	Nitrate and Nitrite, as Nitrogen	Total Recoverable Antimony
Total Recoverable Arsenic	Total Recoverable Beryllium	Total Recoverable Cadmium
Total Recoverable Chromium	Total Recoverable Copper	Total Recoverable Lead
Total Recoverable Mercury	Total Recoverable Nickel	Total Recoverable Selenium
Total Recoverable Silver	Total Recoverable Thallium	Total Recoverable Zinc

The Class III marine water standards in Rule 62-302, F.A.C., shall apply to parameters monitoring events under this condition for which standards exist. Laboratory analytical reports for the monitoring event(s) shall be submitted to the Department. The Department will review the data in the context of the reopener clauses in Section VIII.D of this permit.

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

13. Storage of process and non-process wastewater in either the Yard Area Retention Pond or the Storage Area Retention Pond is not authorized by this permit.

II. SLUDGE MANAGEMENT REQUIREMENTS

1. The disposal of sludge or other solids generated from the plant's wastewater treatment and containment system shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C.
2. The Permittee shall be responsible for proper treatment, management, use or land application of its sludges.
3. The Permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated in the steam generating plant. If a person other than the Permittee is responsible for sludge transporting, disposal, or incineration, the Permittee shall also keep the following records:
 - a. Name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. Name and location of the site of disposal, treatment or incineration;
 - c. Name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. GROUND WATER REQUIREMENTS

The ground water requirements for this facility are stipulated in Florida Electrical Power Plant Siting License No. PA88-24.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

This section is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

A. General Operation and Maintenance Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The Permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - 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 required by the permit for at least three years from the date the report was prepared;
 - 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;
 - d. Records of all disposal of vegetation and materials removed from intake screens and vegetation, sediments and sludge removed from wastewater and stormwater basins
 - e. A copy of the current permit;
 - f. A copy of any required record drawings; and
 - g. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

B. Impoundment Design, Construction, Operation, and Maintenance

1. All impoundments used to hold or treat wastewater, storm water and other associated wastes shall be \Operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit.
2. Operation and maintenance of any impoundment shall be in accordance with all relevant State and Federal regulations and shall be certified by a qualified, State-registered professional engineer and permitted and inspected by the appropriate agency prior to use. When practicable, piezometers or other instrumentation shall be installed as a means to aid monitoring of impoundment integrity.
3. Operation and maintenance of any impoundment shall be in accordance with all relevant Local, Regional, State and Federal regulations and shall be certified by a qualified, Florida registered professional engineer and permitted and inspected by the appropriate agency prior to use.

C. Impoundment Integrity Inspections

1. All impoundments shall be inspected at least monthly by qualified personnel with knowledge and training in impoundment integrity. Additional inspections by qualified personnel shall be done within 7 days after large or extended rain events (i.e., 10-year, 24 hour precipitation event).
2. Inspections shall, at a minimum, include observations of erosion, cracks or bulges, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as overly lush, dead or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity. The findings of each inspection shall be documented in a written inspection report.
3. *Remediation Measures.* Within 24 hours of discovering changes that indicate a potential compromise to the structural integrity and operation of the impoundment, the permittee shall begin procedures to remediate the problem. Changes such as significant decreases in seepage may be signs of imminent impoundment failure and should be addressed immediately.

Other issues which may have long term impacts on integrity, such as trees growing on the impoundment or vegetation blocking spillways, shall be cleared within thirty days of first observation.

D. Reporting and Recordkeeping Requirements for Impoundments

1. Within 5 days of discovering any changes in the impoundment that indicate a potential compromise to the structural integrity or operation, the permittee must notify the Northeast District office in writing describing the findings of the inspection, corrective measures taken, and expected outcomes. Failure to do so will be a violation of this permit.
2. The permittee shall submit an annual report to the Northeast District Office summarizing findings of all monitoring activities, inspections, and remediation measures pertaining to the structural integrity, design, construction, and operation and maintenance of all impoundments.
3. The permittee shall maintain records of all impoundment inspection and maintenance activities, including corrective actions made in response to inspections and all other activities undertaken to repair or maintain the impoundment. All records shall be kept on site and made available to inspectors upon request.
4. All pertinent impoundment permits, design, construction, operation, and maintenance information, including but not limited to: plans, geotechnical and structural integrity studies, copies of permits, associated certifications by qualified, Florida registered professional engineer, and regulatory approvals, shall be kept on site and made available to inspectors upon request.

VI. SCHEDULES

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

1. The following improvement actions shall be completed according to the following schedule. The Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. Complete development and implementation of the SWPPP	6 months after issuance
2. Complete SWPPP Summary (see VII.2.f)	2 years after issuance
3. Submit Progress/Update Reports	3 years, and then annually thereafter

2. The Permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained

Issuance Date of permit

3. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the Permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
4. The Permittee shall submit monitoring results in accordance with Condition I.B.12 within three months following collection of each sampling event for D-001 or D-002.

VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

1. General Requirements

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the Permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.

- (9) "SWPPP" means a Storm Water Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the Permittee. The Permittee shall certify the equivalency of the other referenced programs.
- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. Storm Water Pollution Prevention Plan

The Permittee shall develop and implement a SWPPP for the facility, which is the source of wastewater and storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

a. Signatory Authority & Management Responsibilities

The SWPPP shall be signed by Permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The SWPPP shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the SWPPP shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The SWPPP shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the SWPPP.

b. SWPPP Requirements

- (1) A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
- (2) A site map showing:
 - (a) The storm water conveyance and discharge structures;
 - (b) An outline of the storm water drainage areas for each storm water discharge point;
 - (c) Paved areas and buildings;
 - (d) Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
 - (e) Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
 - (f) Surface water locations and/or municipal storm drain locations;
 - (g) Areas of existing and potential soil erosion;
 - (h) Vehicle service areas;
 - (i) Material loading, unloading, and access areas;
- (3) A narrative description of the following:
 - (a) The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - (b) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

- (c) Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
 - (d) Industrial storm water discharge treatment facilities;
 - (e) Methods of onsite storage and disposal of significant materials;
 - (f) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
 - (g) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
 - (h) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
 - 2. The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.
- (4) A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
 - (5) An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 - (6) A summary of existing sampling data describing pollutants in storm water discharges.

c. Waste Minimization Assessment

The Permittee is required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loading and chemical losses to all wastewater and/or storm water streams as described in this permit.

Information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 – Fax

d. Pollution Prevention Committee:

A pollution prevention committee within the plant organization shall be appointed. These members shall be responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and revision.

e. Employee Training

- (1) The Permittee shall describe the storm water employee training program for the facility. The description shall include the topics to be covered, such as spill response, good housekeeping and material management practices, and shall identify periodic dates (e.g., every 6 months during the months of July and January) for such training. The Permittee shall provide employee training for all employees and contractors that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training shall inform facility personnel and contractors of the components and goals of the facility SWPPP.
- (2) Each employee and contractor that works in an area where industrial materials or activities are exposed to storm water, and each employee that is responsible for implementing activities identified in the SWPPP shall undergo training at least once a year. Training records shall include trainee's name, signature, date of training and topics covered. Records shall be retained on-site for a minimum of three years.

f. Plan Development & Implementation

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

- (1) The SWPPP shall be developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the SWPPP which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.
 - (2) The personnel named in the SWPPP shall perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation shall be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the Permittee is excused from the visual observation requirement for that quarter, provided the Permittee documents in their records that no runoff occurred. The Permittee shall sign and certify the documentation.
 - (3) The personnel named in the SWPPP shall conduct visual observations on samples collected as soon as practical, but not to exceed 1 hour of when the runoff begins discharging from the facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation shall document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution.
 - (4) The Permittee shall maintain visual observation reports onsite with the SWPPP for a minimum of three years. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
 - (5) At least once a year the personnel named in the SWPPP shall verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.
- g. Submission of Plan Summary & Progress/Update Reports
- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the SWPPP shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.
 - (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.
 - (3) A timetable for the various plan requirements follows:

Timetable for SWPPP Requirements:	
<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete SWPPP	6 months
Complete SWPPP Summary	2 years
Progress/Update Reports	3 years, and then annually thereafter

The Permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.
- h. Plan Review & Modification

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

If following review by the Department, the SWPPP is determined insufficient, the Permittee will be notified that the SWPPP does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the Permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the Permittee shall have 30 days after such notification to make the changes necessary.

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. [62-620.310(4)]
2. Drawings, plans, documents or specifications submitted by the Permittee, not attached hereto, but retained on file at the Department's Northwest District Office, are made a part hereof.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.
4. The Permittee shall provide verbal notice to the Department's Northwest District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The Permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Northeast District Office in a written report within 7 days of the sinkhole discovery. [62-620.320(6)]

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

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

[62-620.625(1)]

C. Duty to Reapply

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

1. The Permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the Permittee has applied for renewal of this permit at least 180 days before the expiration date (**Month, Day, Year**) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the Permittee has made complete the application for renewal of this permit before the permit expiration date.

[62-620.335(1)-(4), F.A.C.]

2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either
 - a. Within thirty days after the permittee has received a notice; or
 - b. Within thirty days after final agency action.

Failure to publish a notice is a violation of this permit.

D. Reopener Clauses

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

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

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

IX. 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)]*
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 constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2)]*
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 infringement of federal, state, or local laws or regulations. This permit is not

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

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)]

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)]
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)]
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)]
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)]
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)]
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)]
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, 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)]
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)]

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

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)]
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)]
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)]
15. The Permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15)]
16. The Permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., 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)]
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)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, 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. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - 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.

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

- 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)]

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)]
20. The Permittee shall report to the Department's Northeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of 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 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 the Department's Northeast District Office within 24 hours from the time the Permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northeast District Office shall waive the written report.

[62-620.610(20)]

21. The Permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. [62-620.610(21)]
22. Bypass Provisions.

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- 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 preventive maintenance; and
 - (3) The Permittee submitted notices as required under Permit Condition IX. 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 Permit Condition IX. 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.
- d. 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 Permit Condition IX. 22.b.1 through 3 of this permit.
- e. 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 provisions of Permit Condition IX.22.a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "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.
 - (1) 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.
 - (2) 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.
- b. 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 Permit Condition IX.5. of this permit; and
 - (4) The Permittee complied with any remedial measures required under Permit Condition IX.5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the Permittee.
- d. 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)]

PERMITTEE: Cedar Bay Generating Company L.P.
FACILITY: Cedar Bay Generating Plant

PERMIT NUMBER: FL0061204-006 (Major)
EXPIRATION DATE: November 4, 2015

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Janet G. Llewellyn
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8336

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Cedar Bay Generating Company
MAILING ADDRESS: 9640 Eastport Road
Jacksonville, Florida 32226-6324

PERMIT NUMBER: FL0061204-006-1W1N

FACILITY: Cedar Bay Cogeneration Plant
LOCATION: 9640 Eastport Rd
Jacksonville, FL 32218-2260

LIMIT:
CLASS SIZE:
MONITORING GROUP NUMBER:
MONITORING GROUP DESCRIPTION:
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD

Final
MA
D-001
Yard Area Runoff Pond Discharge

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Duval
OFFICE: Northeast District

From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 I Mon. Site No. FLW-1	Permit Requirement		Report (Day.Max.)	MGD						Daily, when discharging	Calculated
pH	Sample Measurement										
PARM Code 00400 P Mon. Site No. STM-1	Permit Requirement				6.5 (Day.Min.)		8.5 (Day.Max.)	s.u.		Daily, when discharging	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 P Mon. Site No. STM-1	Permit Requirement						50.0 (Day.Max.)	mg/L		Daily, when discharging	Grab
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 P Mon. Site No. STM-1	Permit Requirement						0.3 (Day.Max.)	mg/L		Daily, when discharging	Grab
Duration of Discharge	Sample Measurement										
PARM Code 81381 P Mon. Site No. STM-1	Permit Requirement		60 (An.Total)	day						Monthly	Calculated

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

DEP Form 62-620.910(10), Effective Nov. 29, 1994

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Cedar Bay Generating Company
MAILING ADDRESS: 9640 Eastport Road
Jacksonville, Florida 32226-6324

PERMIT NUMBER:

FL0061204-006-IWIN

FACILITY: Cedar Bay Cogeneration Plant
LOCATION: 9640 Eastport Rd
Jacksonville, FL 32218-2260

LIMIT:
CLASS SIZE:
MONITORING GROUP NUMBER:
MONITORING GROUP DESCRIPTION:
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD

Final
MA
D-002
Material Storage Area Runoff Pond Discharge

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Duval
OFFICE: Northeast District

From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement							
PARM Code 50050 I Mon. Site No. FLW-2	Permit Requirement	Report (Day.Max.)	MGD				Daily, when discharging	Calculated
pH	Sample Measurement							
PARM Code 00400 P Mon. Site No. STM-2	Permit Requirement			6.5 (Day.Min.)	8.5 (Day.Max.)	s.u.	Daily, when discharging	Grab
Solids, Total Suspended	Sample Measurement							
PARM Code 00530 P Mon. Site No. STM-2	Permit Requirement				50.0 (Day.Max.)	mg/L	Daily, when discharging	Grab
Iron, Total Recoverable	Sample Measurement							
PARM Code 00980 P Mon. Site No. STM-2	Permit Requirement				0.3 (Day.Max.)	mg/L	Daily, when discharging	Grab
Duration of Discharge	Sample Measurement							
PARM Code 81381 P Mon. Site No. STM-2	Permit Requirement	60 (An.Total)	day				Monthly	Calculated

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

DEP Form 62-620.910(10), Effective Nov. 29, 1994

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

- Results greater than or equal to the PQL shall be reported as the measured quantity.
- Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
- Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.