



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

SENT BY ELECTRONIC MAIL

In the Matter of an
Application for Permit by:

City of Cape Coral
Jeff Pearson, Utilities Director
jpearson@capecoral.net

Lee County - IW
Cape Coral WTP RO Industrial Wastewater
File Number FL0040088-004-IW5A
Caloosahatchee Basin (WBID ID# 3240A2)

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FL0040088 to operate the Cape Coral Water Treatment Plant Industrial Wastewater System. The facility may discharge reverse osmosis reject water to Lake Finisterre and Marauder Canal (Water body ID# 3240A2). The facility injects reverse osmosis reject water to a Class I underground injection well which discharges to Class G-IV groundwater. The facility is located at latitude 26°35'29" N, longitude 82°0'57" W on SW 20th Avenue, Cape Coral, Florida 33914 in Lee County. This permit is issued under Chapter 403, Florida Statutes.

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.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

Notice of Permit Issuance
Cape Coral Water Treatment Plant Industrial Wastewater Discharge
FL0040088-004-IW/5A

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination;
- (c) A statement of when and how the petitioner received notice of the Department's decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This permit action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action 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 in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when this permit action is filed with the Clerk of the Department.

Notice of Permit Issuance
Cape Coral Water Treatment Plant Industrial Wastewater Discharge
FL0040088-004-IW/5A

Executed in Fort Myers, Florida.

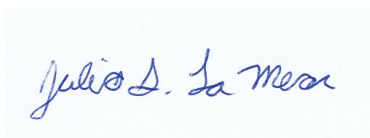
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

FILING AND ACKNOWLEDGMENT

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



1/16/13

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF DRAFT PERMIT and all copies were mailed before the close of business on January _16_, 2013, to the listed persons.

JMI/NWM/jl

Enclosed:

Permit
Consent Order
Interim Discharge Monitoring Report

Copies with enclosure furnished to:

Lloyd E. Horvath, P.E.: lloyd.horvath@cardnoentrix.com
Dan Acquaviva, (dacquaviva@rma-geologic.com)
Shawn Kopko, (skopko@capecoral.net)
Nona Schaffner, DEP, Nona.Schaffner@dep.state.fl.us



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SECRETARY

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

City of Cape Coral

RESPONSIBLE OFFICIAL:

Jeff Pearson, Utilities Director
PO Box 150027
Cape Coral, Florida 33915

PERMIT NUMBER: FL0040088-004 (Minor)

FILE NUMBER: FL0040088-004-IW5A

ISSUANCE DATE: January 16, 2013

EXPIRATION DATE: December 31, 2017

FACILITY:

Cape Coral Reverse Osmosis Water Treatment Plant
SW 20th Avenue
Cape Coral, FL 33914
Lee County
Latitude: 26°35' 29" N Longitude: 82°00' 57" W
Waterbody # 3240A2

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 is accompanied by a Consent Order, pursuant to paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Consent Order CO 12-1121-36 is a specific requirement of this permit. 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:

An existing 4.05 million gallons per day (MGD) demineralization concentrate treatment and disposal facility serving a reverse osmosis (RO) drinking water treatment plant for the City of Cape Coral.

WASTEWATER TREATMENT:

Treatment of the concentrate includes: oxidation through the use of a sodium hypochlorite feed system and aeration to remove hydrogen sulfide and to increase oxygen; and pH adjustment by a sodium hydroxide feed system.

DISPOSAL:

Surface Water Discharge D-001: During emergencies, the concentrate discharges to Lake Finisterre, a ponded section of the Marauder Canal. The canal is Class III Marine Waters, The permitted capacity for D-001 is 3.05 MGD, Daily Maximum Flow. The diffuser system is 360 feet in length consisting of 10 four-inch ports and runs along the bottom of the canal. The point of discharge is located approximately at latitude 26°35' 01" N, longitude 82°0' 34" W.

Underground Injection U-001: The concentrate discharges to an underground injection well, U-001, issued under Permit number 254598-002-UO/11. U-001 consists of one Class I underground injection well that discharges to Class G-IV ground water. The permitted capacity for U-001 is 9.9 MGD, or 6900 GPM Maximum Daily Flow. U-001 is located approximately at latitude 26°35' 10" N, longitude 82°01'35" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 14 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 reverse osmosis reject water from Outfall D-001. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements		
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Parameter	Units	Max/Min					Notes
Flow	MGD	Max	3.05	Daily Maximum	Daily	Meter	EFF-1
Oxygen, Dissolved (DO)	mg/L	Min Min	4.0 5.0	Instantaneous Daily Average	Daily	Grab	EFF-1
pH	s.u.	Min Max	6.7 8.5	Single Sample Single Sample	Daily	Grab	EFF-1
Hydrogen sulfide	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Specific Conductance	umhos/cm	Max	Report	Single Sample	Monthly	Grab	EFF-1
Solids, Total Dissolved (TDS)	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Color	PCU	Max	Report	Single Sample	Monthly	Grab	EFF-1
Aluminum, Total Recoverable	mg/L	Max	1.5	Single Sample	Monthly	Grab	EFF-1
Methyl bromide	short ton/day	Max	Report	Single Sample	Monthly	Grab	EFF-1
Calcium, Total Recoverable	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Chloride (as Cl)	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Copper, Total Recoverable	ug/L	Max	3.7	Single Sample	Monthly	Grab	EFF-1
Fluoride, Total (as F)	mg/L	Max	5.0	Single Sample	Monthly	Grab	SWD-1
Iron, Total Recoverable	mg/L	Max	0.3	Single Sample	Monthly	Grab	EFF-1
Magnesium, Total Recoverable	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Potassium, Total	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1
Sodium, Total Recoverable	mg/L	Max	Report	Single Sample	Monthly	Grab	EFF-1

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FACILITY: Cape Coral Reverse Osmosis WTP Industrial Wastewater

PERMIT NUMBER: FL0040088-004 (Minor)

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

Monitoring Site Number	Description of Monitoring Site
EFF-1	After final treatment but before discharge.
SWD-1	At the edge of the 12-foot mixing zone.

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
4. The permittee shall comply with the following requirements to evaluate acute whole effluent toxicity of the discharge from outfall D-001.
- a. Effluent Limitation
- (1) In any routine or additional follow-up test for acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent. [Rules 62-302.200(1), 62-302.500(1)(a)4., 62-4.244(3)(a), and 62-4.241, F.A.C.]
- b. Monitoring Frequency
- (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
- (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 4.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 4.a.(1) above.
- (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-012, but is replaced by a repeat valid test initiated within 14 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
- c. Sampling Requirements
- (1) Routine tests shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period. The four grab samples shall be used in eight bioassays (four bioassays for each species) and shall represent one test. If the duration of the discharge is less than 24-hours, the duration of discharge shall be documented on the chain of custody.
- (2) For additional follow-up tests, the first test shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period. The four grab samples shall be used in four separate bioassays for each species that failed the routine test. The four grab samples represent one test. The second follow-up test shall be run on a single grab sample collected on the day and time when the greatest toxicity was identified in the routine or first additional follow-up test.
- d. Test Requirements
- (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five dilutions: **100%, 75%, 50%, 25%, and 12.5%** effluent.
- (2) The permittee shall conduct 96-hour acute static renewal multi-concentration toxicity tests using the daphnid, **Ceriodaphnia dubia**, and the bannerfin shiner, **Cyprinella leedsii**, concurrently.
- (3) All test species, procedures and quality assurance criteria used shall be in accordance with **Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms**, 5th Edition, EPA-821-R-02-012. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct acute toxicity testing in accordance with the revised method.

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- (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-012, Table 7.
- e. Quality Assurance Requirements
 - (1) A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly acute toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 10% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated. The repeat test shall begin within 14 days after the last day of the invalid test.
 - (3) If 100% mortality occurs in all effluent concentrations for either species prior to the end of any test and the control mortality is less than 10% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
 - (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the concentration-response relationship, as required by EPA-821-R-02-012, Section 12.2.6.2., and included with the bioassay laboratory reports.
- f. Reporting Requirements
 - (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine Test Results: If an LC50 >100% effluent occurs in all four separate grab sample tests for the test species, ">100%" shall be entered on the DMR for that test species. If in any of the four separate grab sample tests for the test species an LC50 <100% effluent occurs, the lowest calculated LC50 effluent concentration shall be entered on the DMR for that test species.
 - (b) Additional Follow-up Test Results: For each additional test required, the calculated LC50 value shall be entered on the DMR for that test species.
 - (2) A bioassay laboratory report for the routine test shall be prepared according to EPA-821-R-02-012, Section 12, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
 - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-012, Section 12, and mailed within 30 days after the last day of the second valid additional follow-up test.
 - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
 - (5) The same bioassay data shall not be reported as the results of more than one test.
 - (6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
South District Office
2295 Victoria Ave, Suite 364
Ft. Myers, Florida 33901-3875
- g. Test Failures
 - (1) A test fails when the test results do not meet the limits in 4.a.(1).
 - (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the acute toxicity limitation in 4.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 4.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
 - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such

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

- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
 - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 4.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 4.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-012, a repeat test shall be initiated within 14 days after the last day of the invalid routine test.
 - (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 4.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 14 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for whole effluent toxicity failures.

[62-4.241, 62-620.620(3)]

B. Underground Injection Control Systems

Requirements for discharge to U-001 are established under Department UIC permit number 254598-002-UO/11. [62-620.610(3)]

C. 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 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. Unless specified otherwise in this permit, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below. DMRs shall be submitted for each required monitoring period including periods of no discharge.

REPORT Type on DMR	Monitoring Period	Mail or Electronically Submit by
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

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The permittee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation at the address 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

If submitting electronic DMR forms, the permittee shall use the electronic DMR system(s) approved in writing by the Department and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. *[62-620.610(18)]*

4. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's South District Office at the address specified below:

Florida Department of Environmental Protection South District
2295 Victoria Ave
Suite 364
Ft. Myers, Florida 33901-3875

Phone Number - (239)344-5600
FAX Number - (850)412-0590
(All FAX copies and e-mails shall be followed by original copies.)

[62-620.305]

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. During periods when no discharges occur, sampling and analyses are not required. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected within two days after the commencement of the next discharge. *[62-620.320(6)]*

II. SLUDGE MANAGEMENT REQUIREMENTS

Section II is not applicable to this facility.

III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

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V. 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. A copy of the current permit;
 - e. A copy of any required record drawings; and
 - f. 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]

VI. SCHEDULES

1. In accordance with section 403.0882(2)(e) and (f), Florida Statutes, a compliance schedule for this facility is contained in Consent Order CO 12-1121-36, which is hereby incorporated by reference. Authorization for the surface water discharge (D-001) cannot be renewed nor extended beyond December 31, 2017.
2. 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 of this permit 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)]

VII. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

Section VII is not applicable to this facility.

VIII. OTHER SPECIFIC CONDITIONS

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. The permittee shall provide verbal notice to the Department's South 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 South District in a written report within 7 days of the sinkhole discovery. *[62-620.320(6)]*

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PERMIT NUMBER: FL0040088-004 (Minor)

3. 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)]

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(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3)]*
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

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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)]*
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

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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.
 - 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 South District 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,

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- (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 South District 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 South District 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.

- 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. c. 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.

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- 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. b. through d. 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)]

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

DATE: January 16, 2013

Attachment:
Discharge Monitoring Report
Consent Order CO 12-1121-36



Florida Department of Environmental Protection

South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

SENT VIA ELECTRONIC EMAIL.

September 5, 2012

Jeff Pearson
City of Cape Coral
Utilities Director
P.O. Box 150027
Cape Coral, Florida 33915-0027
jpearson@capecoral.net

RE: Lee County-IW
City of Cape Coral SW RO WTP
OGC CASE NO.: 12-1121-36-IW
FL0040088

Dear Mr. Pearson:

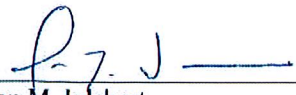
Enclosed is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records.

Please note that all compliance dates begin from the date of entry of this Order, which is August 31, 2012.

Upon satisfactory completion of all conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions, please contact Keith Kleinmann of this office at (239) 344-5656. Your cooperation in resolving this case is appreciated.

Sincerely,


Jon M. Iglehart
Director of District Management

JMI/KK/jl

Enclosure

cc: Enforcement File
Lea Crandall, FDEP, OGC (lea.crandall@dep.state.fl.us)
Keith Kleinmann, FDEP, Fort Myers (keith.kleinmann@dep.state.fl.us)

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	)	IN THE OFFICE OF THE SOUTH DISTRICT
	)	
vs.	)	OGC FILE NO.: 12-1121-36-IW
	)	
CITY OF CAPE CORAL	)	
_____	)	

CONSENT ORDER

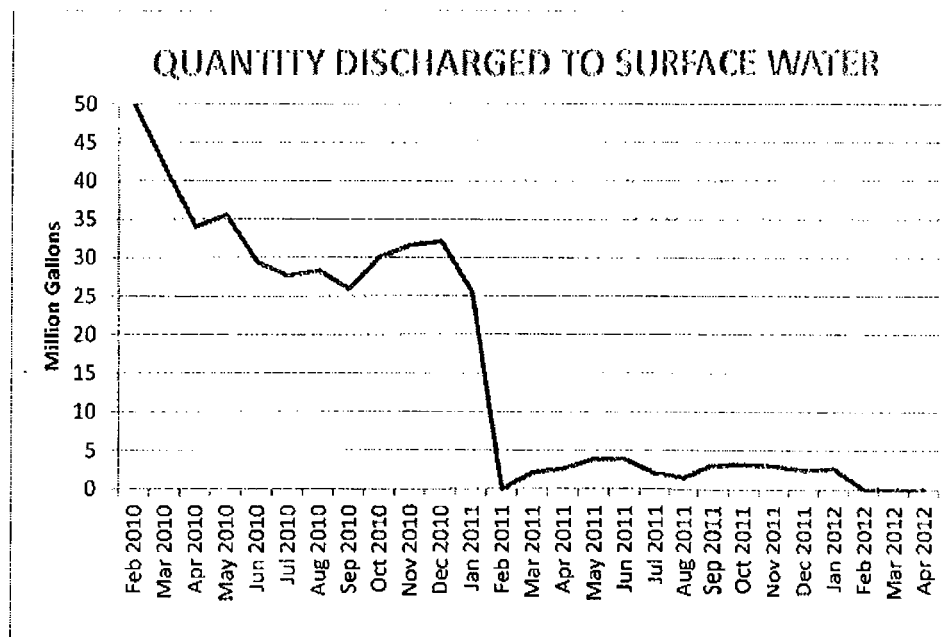
This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and the City of Cape Coral ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of the City of Cape Coral Southwest Reverse Osmosis Water Treatment Plant ("Facility" or "SW RO WTP"). Respondent operates the Facility under Department Wastewater Permit No. FL0040088 which was issued on November 2, 2007 and will expire on November 26, 2012. The Facility is located at 3300 SW 20th Avenue, Cape Coral in Lee County, Florida ("Property"). Respondent owns the Property on which the Facility is located.
4. The Department finds, but the Respondent does not admit, that the following violation(s) occurred:
 - a) The respondent submitted Discharge Monitoring Reports (DMRs) to the Department with the following data in violation of F.A.C Rule 62-302.530:

<u>Month/Year</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Measurement</u>
1/11	Copper, Total Recoverable	3.7 micrograms/L	7.5 micrograms/L
5/11	Copper, Total Recoverable	3.7 micrograms/L	16. micrograms/L
6/11	Copper, Total Recoverable	3.7 micrograms/L	17. micrograms/L
7/11	Copper, Total Recoverable	3.7 micrograms/L	5.6 micrograms/L
8/11	Copper, Total Recoverable	3.7 micrograms/L	6.6 micrograms/L
9/11	Copper, Total Recoverable	3.7 micrograms/L	5.6 micrograms/L
10/11	Copper, Total Recoverable	3.7 micrograms/L	16. micrograms/L
10/11	Radium 226+228, Total	5.00 picocuries/L	60.0 picocuries/L
10/11	Alpha, Gross Particle Activity	15.0 picocuries/L	160 picocuries/L

5. Although the above concentration limits were exceeded, the Department takes notice and recognizes that the Respondent, in good faith, and with considerable expense, successfully installed a Class 1 injection well that became fully operational in January 2011 and resulted in a substantial reduction (almost 100%) in the quantity of demineralization concentrate flow discharged to surface water, (along with the corresponding reduction in mass loading for each parameter), substantially benefitting the environment.



Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

6. It is the intent and goal of this Consent Order to require the Respondent to completely and permanently eliminate the demineralization concentrate discharge flow from the Facility to surface water (the Marauder Canal) and then permanently decommission and dismantle the submerged multiport rapid rate diffuser system (D00-1 in permit FL0040088). All required permit applications necessary to accomplish this goal shall be prepared and sealed by a professional engineer registered in the State of Florida. In the event that an application submitted is incomplete, within 30 days of written request by the Department for additional information necessary to process the application, Respondent shall submit all requested information to the Department. If the Respondent is unable or unwilling to completely and permanently eliminate the discharge of demineralization concentrate to surface water, then the Department reserves the right to seek other relief to require the Respondent to comply with its rules and permits.

7. On a day to day basis, the Respondent shall not discharge demineralization concentrate to surface water unless no other reasonable alternative is available. When such surface water discharge occurs, the following interim discharge limitations shall apply:

Discharge Interim Limits

<u>Parameter</u>	<u>Permit Limit</u>	<u>Interim Limit</u>
Copper, Total Recoverable	3.7 micrograms/L	34.1 micrograms/L
Radium 226+228, Total	5.00 picocuries/L	180 picocuries/L
Alpha, Gross Particle Activity	15.0 picocuries/L	480 picocuries/L
Whole Effluent Toxicity (Acute)	LC50 $\geq$ 100%	LC50 $\geq$ 30%

RECEIVED
SEP 05 2012
D.E.P. South District

8. Respondent shall comply with the following corrective actions within the stated time periods:

<u>Implementation Step</u>	<u>Completion Date</u>
1. Submit an application to the Department to construct: (a) a new Class 1 injection well serving the SW RO WTP, or (b) a permittable wastewater facility or activity that will result in permanent cessation of all demineralization concentrate discharge to surface water.	June 30, 2013
2. Begin construction of the project permitted per Implementation Step number 1 above.	December 31, 2014
3. Begin operational testing of the project permitted per Implementation Step number 1 above.	December 31, 2015
4. Submit an application to operate the project permitted per Implementation Step number 1 above if operation permits are required for such projects.	December 31, 2016
5. Permanently cease all demineralization concentrate discharge to surface water. Also, complete decommissioning and dismantling of all demineralization concentrate outfalls to surface water.	December 31, 2017

9. Every quarter after the effective date of this Consent Order, and continuing until all corrective actions have been completed, Respondent shall submit in writing to the Department a report containing information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work to be performed pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

10. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$500.00 in settlement of the regulatory matters addressed in this Order. This is not a civil penalty. This amount is for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

11. Respondent agrees to pay the Department stipulated penalties in the amount of one thousand (\$1,000.00) dollars per day for each and every day Respondent fails to timely and fully comply with the December 31, 2017 deadline of Implementation Step Number 5 in paragraph 8 above. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 13 below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

12. Respondent shall make all payments required by this Order by cashier's check or money order. Payment instruments shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund."

13. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Mr. Keith Kleinmann, Department of Environmental Protection, 2295 Victoria Ave, Ste 364, Fort Myers, Florida 33901.

14. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

15. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances

beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

16. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

17. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

18. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

19. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

20. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

21. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

22. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

23. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

24. The Department agrees to close this case and this Consent Order within 15 days of receiving a case closure request from the Respondent provided that: (a) the Respondent does not owe the Department any money under this Consent Order, and (b) the Respondent submits a letter to the Department on Respondent's letterhead, signed by the Respondent's Utilities Director or higher authority, stating that the Respondent has permanently ceased all demineralization concentrate discharge to surface water, and also stating that the Respondent has permanently decommissioned and dismantled all demineralization concentrate outfalls to surface water.

25. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 2295 Victoria Ave, Fort Myers, Florida 33902. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

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26. Rules referenced in this Order are available at
<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

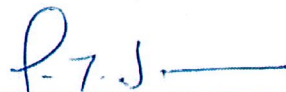
FOR THE RESPONDENT:


John Sullivan, Mayor

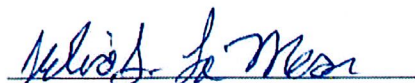
8/29/12
Date

DONE AND ORDERED this 5th day of ~~August~~ ^{September} 2012, in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Jon M. Iglehart
Director of District Management

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

9-5-12
Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

IIV_CO_permitted, (REV. 06/09)

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:	City of Cape Coral	PERMIT NUMBER:	FL0040088-004-IW5A		
MAILING ADDRESS:	PO Box 150027 Cape Coral, Florida 33915	LIMIT:	Final	REPORT FREQUENCY:	Monthly
		CLASS SIZE:	MI	PROGRAM:	Industrial
FACILITY:	City of Cape Coral Reverse Osmosis Water Treatment Plant	MONITORING GROUP NUMBER:	D-001		
LOCATION:	SW 20th Avenue Cape Coral, FL 33914	MONITORING GROUP DESCRIPTION:	Emergency Discharge		
		RE-SUBMITTED DMR:	☐		
		NO DISCHARGE FROM SITE:	☐		
COUNTY:	Lee	MONITORING PERIOD	From:	_____	To: _____
OFFICE:	South District				

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-1	Permit Requirement		3.05 (Day.Max.)	MGD						Daily	Meter
Oxygen, Dissolved (DO)	Sample Measurement										
PARM Code 00300 1 Mon. Site No. EFF-1	Permit Requirement				4.0 (Inst.Min.)	5.0 (Day.Avg.)		mg/L		Daily	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-1	Permit Requirement				6.7 (Min.)	8.5 (Max.)		s.u.		Daily	Grab
Hydrogen sulfide	Sample Measurement										
PARM Code 71875 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)		mg/L		Monthly	Grab
Specific Conductance	Sample Measurement										
PARM Code 00095 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)		umhos/cm		Monthly	Grab
Solids, Total Dissolved (TDS)	Sample Measurement										
PARM Code 70295 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)		mg/L		Monthly	Grab

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):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: City of Cape Coral Reverse Osmosis Water Treatment Plant

MONITORING GROUP

D-001

PERMIT NUMBER: FL0040088-004-IW5A

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Color	Sample Measurement										
PARM Code 00080 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	PCU			Monthly	Grab
Aluminum, Total Recoverable	Sample Measurement										
PARM Code 01104 1 Mon. Site No. EFF-1	Permit Requirement					1.5 (Max.)	mg/L			Monthly	Grab
Bromides	Sample Measurement										
PARM Code 71870 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L			Monthly	Grab
Calcium, Total Recoverable	Sample Measurement										
PARM Code 00918 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Chloride (as Cl)	Sample Measurement										
PARM Code 00940 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 1 Mon. Site No. EFF-1	Permit Requirement					34.1 (Max.)	ug/L			Monthly	Grab
Fluoride, Total (as F)	Sample Measurement										
PARM Code 00951 6 Mon. Site No. SWD-1	Permit Requirement					5.0 (Max.)	mg/L			Monthly	Grab
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 1 Mon. Site No. EFF-1	Permit Requirement					0.3 (Max.)	mg/L			Monthly	Grab
Magnesium, Total Recoverable	Sample Measurement										
PARM Code 00921 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Potassium, Total	Sample Measurement										
PARM Code 00937 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: City of Cape Coral Reverse Osmosis Water Treatment Plant

MONITORING GROUP

D-001

PERMIT NUMBER: FL0040088-004-IW5A

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Sodium, Total Recoverable	Sample Measurement										
PARM Code 00923 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Radium 226 + Radium 228, Total	Sample Measurement										
PARM Code 11503 1 Mon. Site No. EFF-1	Permit Requirement					180 (Max.)	pCi/L			Monthly	Grab
Alpha, Gross Particle Activity	Sample Measurement										
PARM Code 80045 1 Mon. Site No. EFF-1	Permit Requirement					480 (Max.)	pCi/L			Monthly	Grab
Nitrogen, Nitrate, Total (as N)	Sample Measurement										
PARM Code 00620 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Nitrogen, Organic, Total (as N)	Sample Measurement										
PARM Code 00605 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
Phosphate, Ortho (as P)	Sample Measurement										
PARM Code 70507 1 Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	mg/L			Monthly	Grab
LC50 STATRE 96HOUR ACUTE Ceriodaphnia dubia (Routine)	Sample Measurement										
PARM Code TAN3B P Mon. Site No. EFF-1	Permit Requirement				30 (Min.)		percent			Monthly	4 grabs/24 hr.
LC50 STATRE 96HOUR ACUTE Ceriodaphnia dubia (Additional)	Sample Measurement										
PARM Code TAN3B Q Mon. Site No. EFF-1	Permit Requirement				30 (Min.)		percent			As needed	As required by the permit
LC50 STATRE 96HOUR ACUTE Ceriodaphnia dubia (Additional)	Sample Measurement										
PARM Code TAN3B R Mon. Site No. EFF-1	Permit Requirement				30 (Min.)		percent			As needed	As required by the permit
LC50 STATRE 96HOUR ACUTE Cyprinella leedsii (Routine)	Sample Measurement										
PARM Code TAN6H P Mon. Site No. EFF-1	Permit Requirement				30 (Min.)		percent			Monthly	4 grabs/24 hr.

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
LC50 STATRE 96HOUR ACUTE Cyprinella leedsi (Additional)	Sample Measurement										
PARM Code TAN6H Q Mon. Site No. EFF-1	Permit Requirement				30 (Min.)			percent		As needed	As required by the permit
LC50 STATRE 96HOUR ACUTE Cyprinella leedsi (Additional)	Sample Measurement										
PARM Code TAN6H R Mon. Site No. EFF-1	Permit Requirement				30 (Min.)			percent		As needed	As required by the permit

*ENTER "MNR" IN THE RESULTS COLUMN FOR EACH TEST THAT IS NOT REQUIRED.

DAILY SAMPLE RESULTS - PART B

Permit Number:
Monitoring Period

FL0040088-004-IW5A
From: _____ To: _____

Facility: City of Cape Coral Reverse Osmosis Water Treatment Plant

	Alpha, Gross Particle Activity pCi/L	Aluminum, Total Recoverable mg/L	Calcium, Total Recoverable mg/L	Chloride (as Cl) mg/L	Color PCU	Copper, Total Recoverable ug/L	Flow MGD	Hydrogen sulfide mg/L	Iron, Total Recoverable mg/L	Magnesium, Total Recoverable mg/L	Methyl bromide short ton/day
Code	80045	01104	00918	00940	00080	01119	50050	71875	00980	00921	34413
Mon. Site	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1
1											
2											
3											
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29											
30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
Evening Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

DAILY SAMPLE RESULTS - PART B

Permit Number: FL0040088-004-IW5A Facility: City of Cape Coral Reverse Osmosis Water Treatment Plant
Monitoring Period From: To:

	Nitrogen, Nitrate, Total (as N) mg/L	Nitrogen, Organic, Total (as N) mg/L	Nitrogen, Total mg/L	Oxygen, Dissolved (DO) mg/L	Phosphate, Ortho (as P) mg/L	Phosphorus, Total (as P) mg/L	Potassium, Total mg/L	Radium 226 + Radium 228, Total pCi/L	Sodium, Total Recoverable mg/L	Solids, Total Dissolved (TDS) mg/L	Specific Conductance umhos/cm
Code	00620	00605	00600	00300	70507	00665	00937	11503	00923	70295	00095
Mon. Site	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1	EFF-1
1											
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30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:
Day Shift Operator Class: Certificate No: Name:
Evening Shift Operator Class: Certificate No: Name:
Night Shift Operator Class: Certificate No: Name:
Lead Operator Class: Certificate No: Name:

DAILY SAMPLE RESULTS - PART B

Permit Number: FL0040088-004-IW5A Facility: City of Cape Coral Reverse Osmosis Water Treatment Plant
Monitoring Period From: To:

	pH s.u.	Fluoride, Total (as F) mg/L									
Code	00400	00951									
Mon. Site	EFF-1	SWD-1									
1											
2											
3											
4											
5											
6											
7											
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30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:
Day Shift Operator Class: Certificate No: Name:
Evening Shift Operator Class: Certificate No: Name:
Night Shift Operator Class: Certificate No: Name:
Lead Operator Class: Certificate No: Name:

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:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. 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.
3. 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.