

INTENT TO ISSUE

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Gulf Power Company
Post Office Box 1151
Pensacola, Florida 32520

Facility ID Number FL0002283

Attention: Jim Vick

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Gulf Power Company, applied on March 27, 1997 to the Department of Environmental Protection for a renewal permit to operate wastewater treatment and effluent disposal facilities for Units 1 and 2 of the Scholz Electric Generation Plant located in Jackson County, Florida. All treated and untreated wastewater (except once-through cooling water) from the operation of Units 1 and 2 is discharged to the ash pond. Once-through condenser cooling water and ash pond overflow discharge through a 850-foot long discharge canal to Apalachicola River, a Class III fresh water.

The Department has permitting jurisdiction under Section 403.0885, Florida Statutes and DEP Rule 62-620, Florida Administrative Code. The applicant is not exempt from permitting procedures. The Department has determined that an industrial wastewater permit is required for continued operation of this facility.

The Department intends to issue the above referenced permit based on its belief that reasonable assurances have been provided to indicate that the proposed project will not adversely impact water quality and the proposed project will comply with the appropriate provisions of the Florida Administrative Code Rule 62-620 as long as all of the conditions in the attached permit are adhered to.

Under section 403.815 of the Florida Statutes and rule 62-103.150 of the Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to the Department, at the Department of Environmental Protection, at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) a statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department's action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application 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 of the Florida Statutes is not available for this proceeding.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mimi A. Drew
Division Director
Division of Water Facilities

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on 12-21-98 to the listed persons.

[Clerk Stamp]

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 12-21-98
Clerk Date

Copies furnished to:

Milton Pittman - Chairman, Board of Jackson County Commissioners
Douglas Mundrick - EPA
Jennifer Fitzwater - DEP Tallahassee
William Schaal - DEP Pensacola

PUBLIC NOTICE OF INTENT TO ISSUE PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a renewal permit to Gulf Power Company, One Energy Place, Pensacola, FL 32520 to operate Units 1 and 2 of the Scholz Electric Generation Plant located on 1460 Gulf Power Road, Sneads, Florida 32460. All treated and untreated wastewater (except once-through cooling water) from the operation of Units 1 and 2 is discharged to the ash pond. Once-through condenser cooling water and ash pond overflow discharge through a 850-foot long discharge canal to the Apalachicola River, a Class III fresh water.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions must be filed within fourteen days of publication of this public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application 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 of the Florida Statutes is not available for this proceeding.

The permit, fact sheet, and other supporting data are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Industrial Wastewater Section, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (904)488-4522. Copies of the draft permit and fact sheet also are available for review at the Department's Northwest District Office located at 160 Government Center, Pensacola, Florida 32501-5794.

AMENDMENT TO THE FACT SHEET

DATE: December 10, 1998

PERMIT NUMBER: FL0002283

PERMITTEE: Gulf Power Company
Scholz Plant

1. **Changes to Permit from Draft Permit to Final Permit Stage at the Request of the Permittee in Letter to the Department dated November 12, 1998:**

Part III: Groundwater Monitoring Requirements

- Nickel was inadvertently included in the list of parameters to be monitored and was therefore deleted.
- Conditions III.K, .L, and .M were deleted as not being applicable to this facility.
- References to MSL were changed to NGVD.
- Condition III.P was clarified regarding when to submit the written technical report.

Other requested changes by the Permittee but denied by the Department.:

- Request was made to add wording that monitoring/reporting is not required during periods when the plant is not operating. Section I.B.2 already specifies that "if no discharge occurs during the reporting period, sampling requirements of this permit do not apply."
- Request was made to delete Gross Alpha and Radium 226 and 228 from the groundwater monitoring list. Gross Alpha and Radium 226 and 228 are constituents of ash and were retained in the permit to provide reasonable assurance that violations of groundwater standards will not occur.
- Request was made to delete nickel as a parameter to be monitored from the ash pond discharge. This request is denied for reasons provided in the fact sheet. The frequency was reduced from quarterly to annually based on BPJ.

- Request was made to delete certain metals from groundwater monitoring that historical have not had confirmed groundwater exceedances. It is the Department's position that metals are constituents of ash and monitoring should be retained in order to provide reasonable assurance. The Department previously reduced groundwater monitoring requirements from quarterly to annually.

2. EPA Comments

None

3. Other Comments

None

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, Florida 32520

PERMIT NUMBER: FL0002283
ISSUANCE DATE: Draft
EXPIRATION DATE: Draft
APPLICATION NO.: FL0002283-001-IW1S

FACILITY:

Scholz Electric Generation Plant
1460 Gulf Power Road
Jackson County
Sneads, Florida 32460

Latitude: 30° 39' 58" Longitude: 84° 53' 12"

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

All treated and untreated wastewater (except once-through cooling water) is discharged to the ash pond. The ash pond discharges via Outfall I-1C (formerly Outfall 002) to the facility's 850-foot long discharge canal. Wastewater streams that discharge to the ash pond include: ash sluice water, water softener regeneration wastewater, boiler blowdown, air preheater wash, auxiliary equipment cooling water, coal pile runoff, yard sumps, and treated domestic wastewater.

Domestic wastewater receives secondary treatment in a package treatment plant prior to discharge to the ash pond.

EFFLUENT DISPOSAL:

This permit authorizes discharges from Outfall D-01 (combined plant discharge, formerly Outfall 001), Outfall I-1C (ash pond discharge, formerly Outfall 002), and Outfall I-1A (treated domestic wastewater, formerly Outfall 004). The combined plant discharge (Outfall D-01) discharges to Apalachicola River, a Class III fresh water. This permit also authorizes the discharge of ash sluice waste, coal pile runoff, and other low volume wastewaters to the ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Part I 7 pages, Part II 1 page, Part III 3 pages, Part IV 1 page, Part V 1 page, Part VI 1 page, Part VII 6 pages, and Part VIII 5 pages of this permit.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, Florida 32520

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from **OUTFALL D-01 - COMBINED PLANT DISCHARGE** (formerly Outfall 001), during periods of normal plant operation to the Apalachicola River.
 - a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Maximum Monthly Average	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	NA	Report	1/day	Calculated	EFF-2
Intake Temperature, °F	Report	Report	4/day	Digital Readout	INT-1
Discharge Temperature, °F	Report	Report	4/day	Digital Readout	EFF-1
pH Range, stand. units	NA	6.0 (minimum) 8.5 (maximum)	1/week	Grab	EFF-2
Fecal Coliform, #/100 ml	NA	800	1/quarter	Grab	EFF-2
Effluent Hardness, mg/l as CaCO ₃	NA	Report	1/year	24-hr Composite	EFF-2
Total Residual Chlorine, mg/l	NA	0.01	1/week	Multiple Grabs ¹	EFF-2
Oil & Grease, mg/l	NA	5.0	1/quarter	Grab	EFF-2
Total Recoverable Cadmium, ug/l	NA	See footnote ^{2,3}	1/year	24-hr Composite	EFF-2
Total Recoverable Copper, ug/l	NA	See footnote ^{2,3}	1/year	24-hr Composite	EFF-2
Iron, mg/l	NA	1.0 ²	1/year	24-hr Composite	EFF-2
Total Recoverable Lead, ug/l	NA	See footnote ^{2,3}	1/year	24-hr Composite	EFF-2

¹ Multiple grabs for shall consist of grab samples collected at approximately the beginning of the period of expected chlorine discharge and once every 15 minutes thereafter until the end of the period of chlorine discharge.

² The actual limit shall be the water quality standard set forth in FAC 62-302.530 for Class III fresh waters (as provided here or as calculated in Footnote 3 below) or the concentration of the intake cooling water, whichever is greater. If the Outfall 001 composite sample exceeds the intake concentration (and the intake concentration exceeds the water quality standard), a minimum of five (5) additional subsamples shall be measured from the original intake and outfall composites and a "student's t-test" shall be run on these additional subsamples comparing discharge concentrations with the intake concentrations; unless the discharge concentration exceeds the intake concentration at the 95% confidence level, the facility shall be in compliance with the limitation.

³ The water quality standard is the hardness-based standard as specified in FAC 62-302.530 for Class III freshwater. The water quality standard shall be calculated by inserting the intake hardness into the appropriate formula for a particular metal as specified in FAC 62-302.530.

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- b. The time of chlorination shall not exceed 2 hours per unit per day and both units shall not be chlorinated simultaneously.
- c. Limitations and monitoring requirements for total residual chlorine are not applicable for any week in which once-through cooling water intake is not chlorinated.
- d. The location of sampling points as specified above are as follows:

INT-1 - Condenser inlets.

EFF-1 - Condenser outlets.

EFF-2 - In the discharge canal 200 feet downstream from the ash pond discharge prior to the confluence of the discharge canal and the Apalachicola River.

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2. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from internal **OUTFALL I-1C - ASH POND DISCHARGE** (formerly Outfall 002), to the discharge canal.
- a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Maximum Daily Average	Maximum Monthly Average	Instantaneous	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	NA	NA	1/week	Calculation	EFF-3
Oil & Grease, mg/l	20	15	NA	1/2 weeks	Grab	EFF-3
Total Suspended Solids, mg/l	100	30	NA	1/ week	24-hr Composite	EFF-3
Total Recoverable Nickel, ug/l	NA	NA	Report	1/year	Grab	EFF-3
pH Range, standard units	6.0 (minimum) 9.0 (maximum)	NA	NA	1/ week	Grab	EFF-3

- b. The location of sampling points as specified above are as follows:

EFF-3 - Ash pond discharge weir.

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4. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from internal **OUTFALL I-1A - DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT** (formerly Outfall 004) to the ash pond.

- a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Maximum Daily Average	Maximum Monthly Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/week ¹	metered	EFF-4
Biochemical Oxygen Demand (BOD), mg/l	60.0	30.0	1/quarter	grab	EFF-4
Total Suspended Solids, mg/l	60.0	30.0	1/quarter	grab	EFF-4

- b. Wastewater treatment plant effluent shall be continuously chlorinated and a 0.5 mg/l chlorine residual shall be maintained in the contact chamber for 15 minutes prior to discharge.
- c. The location of sampling points as specified above are as follows:

EFF-4 - Wastewater treatment outlet box.

¹ Flow measurement shall be taken on the day of the highest expected flow rate for the week based on number of employees working.

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B. Other Limitations and Monitoring and Reporting Requirements

1. The approved analytical methods and corresponding Department established MDL (method detection limit) and PQL (practical quantification limit) are listed for the following parameters:

Parameter	EPA Method	MDL (ug/l)	PQL (ug/l)
Cadmium	213.2	0.1	0.5
Copper	220.2	1.0	5.0
Iron	236.2/200.7/236.1	2.0/10.0/30.0	10.0/50.0/100.0
Lead	239.2	2.0	5.0
Nickel	200.7	3.3	40.0
Total Residual Chlorine	330.1	30.0	30.0
Oil & Grease	413.1	5000.0	5000.0

The MDLs and PQLs listed above shall constitute the minimum reporting levels for the life of the permit. The Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those listed above. Unless otherwise specified, sample results shall be reported as follows:

- results greater than or equal to the PQL shall be reported as the measured quantity.
 - results less than the PQL and greater than or equal to the MDL shall be reported as the PQL value followed by the lab code "m" and the value of the MDL in parentheses, and shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits. Any measurement greater than the permit limit but less than the PQL shall not be considered a permit violation if the permit limit is less than the PQL but greater than or equal to the MDL..
 - results less than the MDL shall be reported as the MDL followed by the lab code "u". A value of one half the MDL or 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 limit or monitoring requirement. [62-4.246, 6-13-96]
2. Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance and Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The statement "No discharge" shall be written on the DMR form. If, during the term period of this permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

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

Florida Department of Environmental Protection
Northwest Florida District
160 Government Center
Pensacola, Florida 32501-5794
Phone Number (850) 595-8300

4. In order to determine compliance with the discharge limitations specified in Section I.A of this permit sampling results shall be calculated and reported as follows:

Daily Average Value - the average of all sampling results for a parameter for a single day.

Weekly average Value - the average of all daily average values for a weekly period.

Monthly Average Value - the average of all daily average values for a monthly period.

Instantaneous Value - the value of a single sampling result taken at any given time.

When only one sample is required to be taken per day then the value of that sampling result shall be the daily average value. Likewise for weekly and monthly averages when only one sample is taken during the week or month, respectively.

5. After two years of data collection the permittee may request by permit revision a reduction in parameter monitoring frequencies in accordance with EPA Document 833-R-96-001 entitled Interim Guidance for Performance Based Reduction of NPDES permit Monitoring Frequencies (April 19, 1996).
6. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
7. Discharge of uncontaminated storm water, intake screen backwash water, turbine oil cooler water, and hydrogen generator cooler water is permitted without limitations or monitoring requirements, except that there shall be no discharge of floating oil.
8. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of a visible oil sheen at any time. Any such discharges shall be reported to the Department when submitting DMR's.
9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

A permit revision from the Department shall be required prior to the use of any biocide or chemical additive used in the cooling system (except chlorine as authorized elsewhere in this permit) or any other portion of the treatment system which may be toxic to aquatic life. The permit revision request shall include:

- a. Name and general composition of biocide or chemical

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- b. Frequencies of use
- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

- 10. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit. The discharge of plant ash transport water, resulting from the combustion of on-specification used oil as authorized under the Resource Conservation and Recovery Act and 40 CFR Part 266, via the ash pond shall be an authorized discharge of this permit.
- 11. The permittee shall periodically survey all ash pond dikes and toe areas for structural integrity. Not later than December 31, 1998, and annually thereafter, the permittee shall certify that no breaches or structural defects resulting in the discharges to surface waters of the State were observed during the previous calendar year. In the event that such defect(s) exists and results in potential discharge to surface waters of the State, the permittee shall notify the Department within fifteen (15) days of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule.
- 12. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner which produces uncontrolled runoff.
- 13. Not later than December 31, 1998, and annually thereafter, the permittee shall certify that the ash pond provides the necessary minimum wet weather detention volume to contain the combined volume for all direct rainfall and all rainfall runoff to the pond resulting from the 10-year, 24-hour rainfall event and maximum dry weather plant waste flows which could occur during a 24-hour period. The basis for the annual certification shall be the physical survey previously conducted in April 1997 and the amount of ash or other material disposed in or removed from the ash pond during the calendar year. Another physical survey shall be conducted 3 to 6 months prior to the expiration of this permit to be used as the basis for certification for the last calendar year of this permit and for certifications required during the next permitting cycle.

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One Energy Place
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II. Industrial Sludge Management Requirements

1. The disposal of sludge or other solids generated from the plant's wastewater treatment and containment system shall be reused, reclaimed, or otherwise disposed of in accordance with Department rules and regulations.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, Florida 32520

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III. Groundwater Monitoring Requirements

- A. During the period of operation authorized by this permit, the permittee shall sample ground water in accordance with this permit and the approved ground water monitoring plan prepared under Rule 62-522.600, F.A.C.
- B. The ground water monitoring plan for the facility shall consist of the following monitoring wells:

Well Name	DEP Test Site ID	Aquifer Monitored	Well Type
WSW-2	1032A11454	Floridan	Compliance
MW-203MD	1032A13165	Floridan	Compliance
MW-204MD	1032A13166	Floridan	Compliance
MW-205MD	1032A13167	Floridan	Background
MW-210MD	1032A13168	Floridan	Compliance
MW-212MD	1032A13169	Floridan	Compliance
MW-203S	1032A13170	Surficial	Compliance
MW-204S	1032A13171	Surficial	Intermediate
MW-205S	1032A13172	Surficial	Background
MW-210S	1032A13173	Surficial	Intermediate
MW-103	1032A11455	Floridan	Water Elevation
MW-105	1032A11457	Floridan	Water Elevation
MW-110A	1032A11458	Floridan	Water Elevation
MW-112	1032A11459	Floridan	Water Elevation

- C. A zone of discharge previously established for the Scholz facility is continued, more specifically described as follows:

The allowable horizontal zone of discharge into ground water shall be to the property lines or mean high water line. The vertical zone of discharge shall be from the land surface to the top of the Floridan Aquifer.

- E. Analyses shall be conducted on un-filtered samples, unless the approval steps outlined in the FDEP document entitled Determining Representative Ground Water Samples, Filtered or Unfiltered (January 1994) have been met and approved by the Department.
- F. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department with a written report within thirty days detailing the circumstances and remedial measures taken or proposed. Replacement of monitoring wells shall be approved in advance by the Department.
- G. Ground water monitoring test results shall be submitted on form Groundwater Monitoring Report Part D and shall be submitted in conjunction with the DMR in accordance with condition I.B.2.

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- H. All the above monitoring wells except water elevation wells shall be taken and analyzed annually for the parameters listed below. Water elevation wells shall be sampled for water elevations only.

Parameters (units)	Ground Water Standards
	Class G-II
Water level (NGVD)	NA
pH (SU)	NA, exempt by rule (6.5-8.5 SU) SDWS
specific conductance (µmhos/cm)	NA
Aluminum (µg/l)	NA, exempt by rule (0.200 mg/l) SDWS
Arsenic (µg/l)	0.050 mg/l PDWS
Cadmium (µg/l)	0.005 mg/l PDWS
Chloride (mg/l)	NA, exempt by rule (250.0 mg/l) SDWS
Chromium (µg/l)	0.100 mg/l PDWS
Iron (mg/l)	NA, exempt by rule (0.300 mg/l) SDWS
Lead (µg/l)	0.015 mg/l PDWS
Manganese (µg/l)	NA, exempt by rule (0.050 mg/l) SDWS
Mercury (µg/l)	0.002 mg/l PDWS
Selenium (µg/l)	0.050 mg/l PDWS
Sulfate (mg/l as SO ₄)	NA, exempt by rule (250 mg/l) SDWS
Gross Alpha (pCi/l)	15 pCi/l PDWS
Combined Radium 226 and 228 ¹	5 pCi/l PDWS
Total Dissolved Solids (TDS) mg/l	NA, exempt by rule (500 mg/l) SDWS

- I. All monitoring well water levels shall be measured on the same day and recorded prior to evacuating the wells for sample collection. Measurements, referenced to the National Geodetic Vertical Datum, shall include the top of the well casing, depth to ground water, and the calculated ground water elevation at a precision of plus or minus 0.01 feet.
- J. Ground water monitoring wells shall be evacuated or purged prior to sampling to obtain a representative sample. All sampling procedures shall be in accordance with the approved ground water monitoring plan.
- K. A complete sampling record shall be provided for each monitor well. This record shall include water level; total depth of the well; volume of water in the well; volume of water removed; stabilization documentation including pH, conductivity, and temperature; time interval of purging; time sample is taken; and device(s) used for purging (including discharge rate) and sampling.
- L. In the event that water quality monitoring shows a violation of the applicable water quality standards, the permittee shall arrange for a confirmation resampling within 15 days after the permittee's receipt of laboratory results. In the event that the permittee chooses not to conduct the reconfirmation sampling, the Department shall

¹ When gross alpha is detected above 3.0 pCi/l then combined Radium 226 and 228 shall be tested and reported.

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consider the initial analysis to be representative of the current water quality conditions at this facility. If the initial results demonstrates or the resampling confirms groundwater contamination, the permittee shall notify the Department in writing within 14 days of this finding.

- M. Upon permit renewal (approximately 5 years from this permit issuance), a written technical report shall be prepared and submitted to the Department along with the permit renewal application which summarizes and interprets the water quality data and water levels from permit issuance to the date of renewal application submittal. The report shall be submitted by a qualified professional and shall contain the following items at a minimum:
1. Tables and graphs of water quality data, including hydrographs, for all monitoring wells. Rainfall data should be included with the hydrographs.
 2. A comparison of water quality results between background well, downgradient wells.
 3. A summary of all violations of applicable water standards.
 4. Ground water contour maps for each sampling event.
 5. A discussion of any data that is thought to be inconsistent or suspect.
 6. A summary of the physical condition of the monitoring system. This should be based on visual observation and sampling records.

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IV. Other Land Application Requirements

- A. The permittee's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with rules 62-520.400 and 62-520.420, 62-520.520(1), F.A.C.. This facility has "existing installation" status and is exempt from compliance with secondary drinking water standards.
- B. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in rule 62-520.400, F.A.C., within the zone of discharge."

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V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control appropriate for those facilities.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and b. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule

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VI. Compliance Schedules and Self-imposed Improvement Schedules

A. Schedule of Compliance

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

a. Operational level attained.....Issuance Date (ID) of permit

b. Best Management Practices Pollution Prevention(BMP3) Plan (See Part VII, Subpart C)

(1) Develop plan..... ID of permit plus 6 months

(2) Implement plan..... ID of permit plus 12 months

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

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VII. Other Specific Conditions

A. Specific Conditions Applicable to all permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file with the Department, are made a part hereof.
2. If significant historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301.
3. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
4. This permit satisfies industrial wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Rules 62-620.400, 62-620.410, F.A.C. and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

C. Specific Conditions Related to Best Management Practices Condition

1. Best Management Practices Plan :

In accordance with Rule 62-620.620(1)(n), the permittee shall develop and implement a Best Management Practices incorporating pollution prevention measures. References which may be used in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act", found at 40 CFR Section 122.44(k), the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

2. Definitions:

- a. The term "pollutants" refers to conventional, non-conventional and toxic pollutants, as appropriate for the NPDES storm water program and toxic pollutants.
- b. Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.

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- c. Non-conventional pollutants are those which are not defined as conventional or toxic, such as phosphorus, nitrogen or ammonia. (Ref: 40 CFR Part 122, Appendix D, Table IV)
- d. For purposes of this part, Toxic pollutants include, but are not limited to: a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, and b) any substance (that is not also a conventional or non-conventional pollutant) for which EPA has published an acute or chronic toxicity criterion, or that is a pesticide regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- e. "Pollution prevention" refers to the first category of EPA's preferred hazardous waste management strategy - source reduction.
- f. "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- g. "Source reduction" means any practice which: i) reduces the amount of any pollutant entering a waste stream prior to recycling, treatment or disposal; and ii) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- h. "BMP3" means a Best Management Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
- i. "Reportable Quantity (RQ) Discharge" A RQ release occurs when a quantity of a hazardous substance or oil is spilled or released within a 24-hour period of time and exceeds the RQ level assigned to that substance under CERCLA or the Clean Water Act. These levels or quantities are defined in terms of gallons or pounds. Regulations listing these quantities are contained at 40 CFR 302.4, 40 CFR 117.21 and 40 CFR 110.
- j. The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

3. **Best Management Practices/Pollution Prevention Plan:**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges. The plan shall be directed toward reducing those pollutants of concern which discharge, or could discharge, to surface waters to and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants and significant materials, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including storm water, water and waste treatment, and plant ancillary activities.

4. **Signatory Authority & Management Responsibilities:**

A copy of the BMP3 plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

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The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. The BMP3 plan shall be signed and reviewed by the plant management.

5. BMP3 Plan Requirements:

The following requirements may be incorporated by reference from existing facility procedures:

- a. Name and description of facility
- b. A site map - At a minimum the site map must include information of the following: discharge points ("outfalls"); drainage patterns; identification of the types of pollutants likely to be discharged from each drainage area; direction of flow; surface water bodies, including any proximate stream, river, lake, or other waterbody receiving storm water discharge from the site; structural control measures (physically constructed features used to control storm water flows); locations of "significant materials" exposed to storm water; locations of industrial activities (such as fueling stations, loading and unloading areas, vehicle or equipment maintenance areas, waste disposal areas, storage areas).
- c. A materials inventory including the types of materials that are handled, stored, or processed onsite, particularly significant materials. To complete the materials inventory, the permittee must list materials that have been exposed to storm water in the past 3 years (focus on areas where materials are stored, processed, transported, or transferred and provide a narrative description of methods and location of storage and disposal areas, materials management practices, treatment practices, and any structural/nonstructural control measures.
- d. A list of significant spills and leaks of toxic or hazardous materials that have occurred in the past 3 years. "Significant spills" includes releases in excess of reportable quantities.
- e. A summary of any existing storm water sampling data and a description of the sample collection procedures used.
- f. A site evaluation summary - The Site Evaluation Summary should provide a narrative description of activities with a high potential to contaminate storm water at the site, including those associated with materials loading and unloading, outdoor storage, outdoor manufacturing or processing, onsite disposal, and significant dust or particulate generating activities. The summary should also include a description of any pollutants of concern that may be associated with such activities.
- g. A narrative description of the following BMP's:
 - (i) - Good Housekeeping Practices
 - (ii) - Preventive Maintenance The permittee must develop a preventive maintenance program that involves inspections and maintenance of storm water management devices and routine inspections of facility operations to detect faulty equipment. Equipment (such as tanks, containers, and drums) should be checked regularly for signs of deterioration.
 - (iii) - Visual Inspections Regular inspections shall be performed by qualified, trained plant personnel. Reports shall note when inspections were done, the name of the person who conducted the inspection, which areas were inspected, what problems were found, and what steps were taken to correct any problems.

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- (iv) - Spill Prevention and Responses Areas where spills are likely to occur and their drainage points must be clearly identified in the BMP3 plan. Employees shall be made aware of response procedures, including material handling and storage requirements, and should have access to appropriate cleanup equipment.
- (v) - Sediment and Erosion Control The BMP3 must identify activities that present a potential for significant soil erosion and measures taken to control such erosion.
- (vi) - Management of Runoff The permittee must describe existing storm water controls found at the facility and any additional measures that can be implemented to improve the prevention and control of polluted storm water. Examples include: vegetative swales, reuse of collected storm water, infiltration trenches, and detention ponds.

6. Best Management Practices & Pollution Prevention Committee:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing, implementing, monitoring of success, and revision of the BMP3 plan. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

7. Employee Training:

Employee training programs shall inform appropriate personnel of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, recordkeeping and reporting, spill prevention & response, as well as specific waste reduction practices to be employed. The plan shall identify periodic dates for such training.

8. Plan Review & Modification:

If following review by the Permit Issuing Authority, or authorized representative, the BMP3 plan is determined insufficient, he/she may notify the permittee that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Permit Issuing Authority, or authorized representative, the permittee shall amend the plan and shall submit to the Permit Issuing Authority a written certification that the requested changes have been made. The permittee shall have 30 days after such notification to make the necessary changes. A longer period of time may be granted by the Permit Issuing Authority if warranted due to the complexity of the change.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by Permit Issuing Authority in the same manner as described above.

9. Annual Site Compliance Evaluation:

Qualified personnel must conduct site compliance evaluations at appropriate intervals, but at least once a year. Compliance evaluations shall include:

- inspection of storm water drainage areas for evidence of pollutants entering the drainage system;
- evaluation of the effectiveness of BMP's;

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- observations of structural measures, sediment controls, and other storm water BMP's to ensure proper operation;

- revision of the plan as needed within 2 weeks of the inspection, and implementation of any necessary changes within 12 weeks of the inspection; and

- preparation of a report summarizing inspection results and follow-up actions, identifying the date of inspection and personnel who conducted the inspection.

The inspection report shall be signed by the plant environmental engineering staff and plant management and kept with the BMP3 plan.

10. Recordkeeping and Internal Reporting:

For at least one year after the expiration of this permit, the permittee shall record and maintain records of spills, leaks, inspections, and maintenance activities. For spills and leaks, records should include information such as the date and time of the incident, weather conditions, cause, and resulting environmental problems.

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

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
[62-620.624(1)]
 - (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.
 - (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.

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VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1)]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon

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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, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. 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 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, 62.420 or 62.620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 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

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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, Chapter 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
- a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
 - e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DEP Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DEP-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.
[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 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 the effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2). Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3). Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4). Any unauthorized discharge to surface or ground waters.

PERMITTEE:

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One Energy Place
Pensacola, Florida 32520

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- b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. [62-620.610(20)]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII.17 and .19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII.20 of this permit. [62-620.610(21)]
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
- (1). Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2). There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3). The permittee submitted notices as required under Condition VIII.22.b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22. a. of this permit.
- d. A. permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22. a. through c. of this permit. [62-620.610(22)]
23. Upset Provisions
- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
- (1). An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2). The permitted facility was at the time being properly operated;
 - (3). The permittee submitted notice of the upset as required in Condition VIII. 20. of this permit; and
 - (4). The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. [62-620.610(23)]

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Executed in Tallahassee, Florida.

**STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Division Director

Mimi A. Drew

Division of Water Facilities

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