

Department of Environmental Protection

FL0002283-003-IW1S

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Gulf Power Company
Mr. Bernard Jacob
Vice-President, External Affairs & Corporate
Services
One Energy Place
Pensacola, FL 32520

PA File No. FL0002283-003-IW1S
Jackson County
Scholz Electric Generation Plant

NOTICE OF DRAFT PERMIT

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

The applicant, Gulf Power Company (GPC), applied on October 10, 2003 to the Department of Environmental Protection for a permit to operate wastewater treatment and disposal facilities for the GPC Scholz Electric Generation Plant located at latitude 30°40'11.55" N, longitude 84°53'15.76" W on 1460 Gulf Power Road, Sneads, FL 32460 in Jackson County. The permit authorizes discharge of non-contact once-through condenser cooling water (OTCW) with chlorination to the onsite discharge canal via outfall D-001, and thence to the Apalachicola River, a Class III fresh water. All other industrial and domestic wastewater streams discharge into the on-site ash pond. Discharges to the on-site ash pond consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown, and air preheated wash), coal pile runoff, yard sump runoff, and treated domestic wastewater. Domestic Wastewater receives secondary treatment in a package treatment plant prior to discharging to the ash pond via internal outfall I-012. Overflow from the ash pond discharges to the onsite discharge canal via internal outfall I-013.

The Department has permitting jurisdiction under Section 403.0885, Florida Statutes (FS) and DEP Rule 62-620, Florida Administrative Code. The project is not exempt from permitting procedures. The Department has determined that a wastewater permit is required for the proposed work.

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 will comply with the all other appropriate provisions of the Rule 62-620, FAC as long as all of the conditions in the attached permit are adhered to.

Under Section 403.815, Florida Statutes, and Rule 62-620.550(2), Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Draft Permit and Request For Public Comment. 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

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meeting the requirements of Sections 50.011 and 50.031, 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 Industrial Wastewater Section District 2600 Blair Stone Road, Tallahassee within fourteen 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 intends to issue the permit with the attached conditions unless as a result of public comment appropriate changes are made.

Any interested person may submit written comments on the proposed permitting decision of the Department to Industrial Wastewater Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Attention: Vincent Seibold in accordance with Rule 62-620.555, Florida Administrative Code. The comments or request for a public meeting must contain the information set forth below and must be received in the Department's Industrial Wastewater Section. Comments from the permit applicant and the persons listed below must be received within 30 days of receipt of this draft permit. Comments submitted by other persons must be received within 30 days of publication of the public notice. Failure to submit comments or request a public meeting within this time period shall constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, Florida Administrative Code.

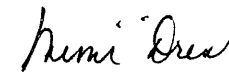
The comments or request for a public meeting must contain the following information:

- (a) The commenter's name, address, and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when notice of the Department's action or proposed action was received;
- (c) A statement of the facts the Department should consider in making the final decision;
- (d) A statement of which rules or statutes require reversal or modification of the Department's action or proposed action; and
- (e) If desired, a request that a public meeting be scheduled including a statement of the nature of the issues proposed to be raised at the meeting. However, the Department may not always grant a request for a public meeting. Therefore, written comments should be submitted within 30 days of receipt of this notice, even if a public meeting is requested.

If a public meeting is scheduled, the public comment period is extended until the close of the public meeting. If a public meeting is held, any person may submit oral or written statements and data on the proposed action of the Department at the public meeting. As a result of significant public comment the Department final action may be different from the position taken by it in this draft permit.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



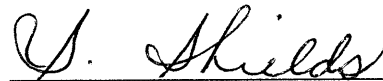
Mimi A. Drew
Director, Division of Water Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF DRAFT PERMIT and all copies were mailed by certified mail before the close of business on 05-13-04 to the listed persons.

FILING AND ACKNOWLEDGMENT

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

 05-13-04
Clerk Date

Certified copies furnished to:

Roosevelt Childress- EPA
Andrew Jubal Smith- Legal Environmental Assistance Foundation, Inc
James Antista-Florida Game & Fresh Water Fish Commission
National Marine Fisheries Service
U.S. Fish & Wildlife Services
Florida Department of Community Affairs
Florida Department of State, Bureau of Historic Preservation
U.S. Army Corps of Engineers
Chairman, Board of Jackson County Commissioners
Hamilton Oven- DEP Tallahassee
Betsy Hewitt- DEP Tallahassee (w/o attachment)
William Armstrong- DEP Pensacola

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DRAFT PERMIT and REQUEST FOR PUBLIC COMMENT

The Department of Environmental Protection gives notice of its preparation of a draft permit (FL0002283) for Gulf Power Company (GPC) to operate wastewater treatment and effluent disposal facilities for Scholz Electric Generation Plant, located at latitude 30°40'11.55" N, longitude 84°53'15.76" W on 1460 Gulf Power Road, Sneads, FL 32460 in Jackson County. The permit authorizes discharge of non-contact once-through condenser cooling water (OTCW) with chlorination to the onsite discharge canal via outfall D-001, and thence to the Apalachicola River, a Class III fresh water. All other industrial and domestic wastewater streams discharge into the on-site ash pond. Discharges to the on-site ash pond consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown, and air preheated wash), coal pile runoff, yard sump runoff, and treated domestic wastewater. Domestic Wastewater receives secondary treatment in a package treatment plant prior to discharging to the ash pond via internal outfall I-012. Overflow from the ash pond discharges to the onsite discharge canal via internal outfall I-013.

Any interested person may submit written comments on the draft permit of the Department or may submit a written request for a public meeting to Industrial Wastewater Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Attention: Vincent Seibold, in accordance with rule 62-620.555 of the Florida Administrative Code. The comments or request for a public meeting must contain the information set forth below and must be received in the Department's Industrial Wastewater Section within 30 days of publication of this notice. Failure to submit comments or request a public meeting within this time period shall constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, Florida Administrative Code.

The comments or request for a public meeting must contain the following information:

- (a) The commenter's name, address, and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when notice of the Department action or proposed action was received;
- (c) A statement of the facts the Department should consider in making the final decision;
- (d) A statement of which rules or statutes require reversal or modification of the Department action or proposed action; and

(e) If desired, a request that a public meeting be scheduled including a statement of the nature of the issues proposed to be raised at the meeting. However, the Department may not always grant a request for a public meeting. Therefore, written comments should be submitted within 30 days of publication of this notice, even if a public meeting is requested.

If a public meeting is scheduled the public comment period is extended until the close of the public meeting. If a public meeting is held any person may submit oral or written statements and data at the meeting on the Department proposed action. As a result of significant public comment the Department final action may be different from the position taken by it in this draft permit.

The draft permit renewal, 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 (850) 245-8589. Copies of the draft permit revision, fact sheet, and other supporting data are also available for review at the Department's Northwest District Office located at 160 Government Center, Pensacola, Florida 32501-5794, telephone (850) 595-8300.

**FACT SHEET
FOR
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
INDUSTRIAL WASTEWATER FACILITY PERMIT**

Permit No.: FL0002283 (Major)

Permit Writer: Tamara M Blyden

Application No.: FL0002283-003-IW1S

Application Date: October 10, 2003

Additional Information:

1. SYNOPSIS OF APPLICATION

a. Name and Address of Applicant

Gulf Power Company
One Energy Place
Pensacola, FL 32520

For:

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

b. Type of Facility

Primary SIC 4911 ELECTRICAL SERVICES

This facility consists of two coal fired steam electric generating units (Units 1 and 2) with a total nameplate rating of 80 megawatts (MW), and a gross generation capacity facility of 98 MW.

c. Design Capacity of Facility

Not Applicable.

d. Applicant's Receiving Water

Monitoring Group D-001: Discharges to Apalachicola River, Class III Fresh waters.

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

See attached map(s) for the location(s) of effluent disposal and land application sites.

e. Description of Wastewater Treatment Facilities

Non-contact once-through condenser cooling water (OTCW) discharges with chlorination to the on-site discharge canal, and thence to the Apalachicola River, a Class III fresh water. All other industrial and domestic wastewater streams discharge into the on-site ash pond. Discharges to the on-site ash pond consists of low volume wastes (LVW)

(i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown, air-preheated wash), coal pipe runoff, yard sump runoff and treated domestic wastewater. Domestic Wastewater receives secondary treatment in a package treatment plant prior to discharging to the ash pond. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

f. Description of Discharges (as reported by applicant)

Monitoring Group D-001: Discharge of non-contact once through condenser cooling water and ash pond overflow.

Flow (MGD): 129.6

pH Range (S.U.): 7.0-8.0

This is the combined plant discharge consisting of once-through condenser cooling water and the ash pond discharge. The sampling location for this outfall is approximately 200 feet downstream from the ash pond discharge prior to the confluence of the discharge canal and the Apalachicola River. Effluent characteristics or pollutants which are present in significant quantities or which are subject to effluent limitations are as follows:

Parameters	Units	Reported Data			
		Max Daily	Max 30 Day	Annual Avg	LongTerm Avg
Cadmium, Total Recoverable	UG/L	<0.0050	-	-	-
Chlorine, Total Residual	MG/L	<0.05	-	-	-
Coliform, Fecal	#/100ML	7	-	-	-
Copper, Total Recoverable	UG/L	<0.020	-	-	-
Iron, Total Recoverable	MG/L	0.77	-	-	-
Lead, Total Recoverable	UG/L	<0.0050	-	-	-
Oil and Grease	MG/L	<5.0	-	-	-
Temperature, °F		-	-	-	-
Summer	107.9				
Winter	99.8				

2. PROPOSED EFFLUENT WATER LIMITATIONS

- a. The Discharge from Outfall D-001 shall be limited and monitored by the Applicant as specified below:

Parameters	Effluent Limitations		
	Maximum Monthly Average	Daily Maximum	Daily Minimum
Flow (MGD)	--	Report	--
Temperature (F), Water (DEG.F)(intake)	Report	Report	--

Parameters	Effluent Limitations		
	Maximum Monthly Average	Daily Maximum	Daily Minimum
Temperature (F), Water (DEG.F)(discharge)	Report	Report	--
pH (SU)	--	8.5	6.5
Oil and Grease (MG/L)	--	5.0	--
Chlorine, Total Residual (MG/L)	--	0.01	--
Chlorination Duration (MINUTES)	--	120	--
Copper, Total Recoverable (UG/L)	See below 2.b		
Cadmium, Total Recoverable (UG/L)	See below 2.b		
Lead, Total Recoverable (UG/L)	See below 2.b		
Iron, Total Recoverable (MG/L)	--	1.0	--
Coliform, Fecal (#/100ML)	--	800	--
Hardness, Total (as CaCO3) (MG/L)	See below 2.b		

- b. The limits for Total Recoverable copper, Cadmium, and Lead shall be calculated using the following equations:

$$Cu < e(0.8545[\ln H]-1.702)$$

$$Cd < e(0.7852[\ln H]-3.49)$$

$$Pb < e(1.273[\ln H]-4.705)$$

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of the total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L. If the reported effluent value exceeds the calculated value, then it shall constitute a violation of the effluent limitation.

- c. The Discharge from Internal Outfall I-012, overflow from the ash pond to the discharge canal, shall be limited and monitored by the Applicant as specified below.:

Parameters	Effluent Limitations		
	Maximum Daily Average	Maximum Monthly Average	Other
Flow (MGD)	Report	--	--
Solids, Total Suspended (MG/L)	100	30	--
Oil and Grease (MG/L)	20	15	--
pH (SU)		--	9.0 Maximum 6.0 Minimum
Nickel, Total Recoverable (UG/L)	--	--	Report Instantaneous Maximum

- d. For total recoverable nickel the limit of "Report Only" was retained from the previous permit. It was recommended that total recoverable nickel be deleted from groundwater monitoring based on nickel study that was conducted on July 2, 1998 for monitoring well MW-210MD for the Scholz Electric Generating Plant. The study provided reasonable assurance that nickel is not of concern in the ground water monitoring plan and that the elevated levels of nickel in MW-210MD are not violations of the ground water criteria. It was

recommended not to delete the Ash Pond discharge-monitoring requirement for Nickel. Monitoring nickel at the ash pond discharge will continue to provide reasonable assurance that nickel that contains ash (bottom ash at 15 mg/kg and fly ash at 36 mg/kg) does not become a source of ground or surface waters.

- d. The Discharge from Internal Outfall I-013, treated domestic wastewater effluent discharge into the ash pond, shall be limited and monitored by the Applicant as specified below:

Parameters	Effluent Limitations		
	Maximum Daily Average	Maximum Monthly Average	Other
Flow (MGD)	Report	Report	--
Biochemical Oxygen Demand-5 Day (BOD5) (MG/L)	60.0	30.0	--
Solids, Total Suspended (MG/L)	60.0	30.0	--

3. BASIS FOR EFFLUENT LIMITS AND MONITORING REQUIREMENTS

The following table provides the basis for Part I. A. provisions.

Outfall D-001

Parameter	Units	Limit	Statistical Basis	Rationale
Flow (MGD)	MGD	Report	Daily Maximum	Section 308 CWA, BPJ
Temperature (F), Water (Intake) (DEG.F)	DEG.F	Report	Daily Maximum	Section 308 CWA, BPJ
Temperature (F), Water (Discharge) (DEG.F)	DEG.F	Report	Maximum Monthly Average	Section 308 CWA, BPJ
pH (SU)	SU	6.5 8.5	Daily Maximum	Section 308 CWA, BPJ
Oil and Grease (MG/L)	MG/L	5.0	Maximum Monthly Average	62-302.530 F.A.C.
Chlorine, Total Residual (MG/L) ¹	MG/L	0.01	Daily Maximum	62-302.530 F.A.C.
Chlorination Duration (MINUTES)	MINUTES	120	Daily Maximum	40CFR 423.13(b)(2)
Copper, Total Recoverable (UG/L) ²	UG/L	See Part 2.b	Daily Maximum	62-302.530 F.A.C.
Cadmium, Total Recoverable (UG/L) ²	UG/L	See Part 2.b	Daily Maximum	62-302.530 F.A.C.
Lead, Total Recoverable (UG/L) ²	UG/L	See Part 2.b	Daily Maximum	62-302.530 F.A.C.
Iron, Total Recoverable (MG/L) ²	MG/L	1.0	Daily Maximum	62-302.530 F.A.C.
Coliform, Fecal (#/100ML)	#/100ML	800	Daily Maximum	62-302.530 F.A.C.
Hardness, Total (as CaCO3) (MG/L)	MG/L	See Part 2.b	Daily Maximum	62-302.530 F.A.C.
The following were used as the basis of the permit limitations/conditions:				

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 water quality standard is the hardness-based standard as specified in Rule 62-302.530, F.A.C., for Class III fresh water. The water quality standard shall be calculated by inserting the effluent hardness into the appropriate formula for a particular metal as specified in Rule 62-302.530, F.A.C.

Parameter	Units	Limit	Statistical Basis	Rationale
A. F.A.C. refers to various portions of the Florida Administrative Code.				
The effective dates of F.A.C. Rule Chapters cited in the permit and in this document are as follows:				
<u>Chapter</u>	<u>Effective Date</u>			
62-4	05-01-03			
62-302	05-15-02			
62-520	12-09-96			
62-522	08-27-01			
62-550	05-28-03			
62-620	08-25-03			
62-650	12-26-96			
62-660	10-01-98			
B. F.S. refers to various portions of the Florida Statutes				
C. CFR refers to various portions of the Code of Federal Regulations, Title 40				
D. BPJ refers to Best Professional Judgment				

- A. WQBEL Considerations: A Level I WQBEL was performed for the discharge, and is embodied in this Fact Sheet based on historical discharge monitoring data, available Fifth Year Inspection Reports, and the effluent characterization provided with the application.
- B. Impaired Water Consideration: The Apalachicola River water body identification (WBID) number 1286 is on the 1998 303-(d) list for potential impaired waters. The parameters of concern are nutrients and fecal coliforms. Based on monitoring data, historical reports, and effluent characterization the discharge authorized by this permit does not appear to cause or contribute to elevated concentrations of these constituents in the receiving water. If different data become available or if a TMDL is developed and approved for the receiving water during the term of this permit, the Reopener clause in the permit provides a mechanism for revising permit conditions appropriately.
- C. Reasonable Assurance: The facility has provided reasonable assurance that the discharge will not adversely affect the designated use of receiving water. Available current and historical data have been evaluated in accordance with the Department's reasonable assurance procedures to ensure that no limits other than those included in this permit are needed to maintain Florida water quality standards.
- D. Thermal Discharge: The thermal component of the discharge is subject to compliance with Florida Water Quality Standards. Section 62-302.520(1)(a) of the Florida Administrative Code provides that heated water discharges existing on July 1, 1972, "shall not increase the temperature of the RBW (receiving body of water) so as to cause substantial damage or harm to the aquatic life or vegetation therein or interfere with beneficial uses assigned to the RBW". In December 1975, USEPA determined that the thermal component of this discharge meets the Florida Water Quality Standards. Since that time, the facility discharge has remained substantively the same. Therefore, the previously determined reasonable assurance remains applicable.
- E. Biological Monitoring: The permit requires the Permittee to conduct biological monitoring of the thermal discharge pursuant to Rule 62-302.520(I)(b), F.A.C. The monitoring will be used to guide the Department's permitting efforts in the next renewal application.
- F. 316(b) Demonstration: At the time of the December 1975 permit issuance the permittee was required to submit, by December 1977, a final report concerning the environmental impact of the cooling water intake structure(s) of the Scholz Plant pursuant to Section 316(b) of the Clean Water Act. Gulf Power Company Scholz Plant provided the

demonstration studies report on November 21, 1977. On September 27, 1984 (date of NPDES permit re-issuance), a determination was made in accordance with 40 CFR Section 401.14 that the location, design, construction, and capacity of the cooling water intake structure reflect the best technology available for minimizing adverse environmental impact. Available information indicates that the plant intake conditions are unchanged and that previous determinations remain appropriate.

- G. Federal effluent guidelines for the steam electric power generating point source category (40 CFR Part 423, November 19, 1982, 47 FR³ 52290): best practicable control technology currently available [(BPT), § 423.12], best available control technology economically achievable [(BAT), § 423.13], and best conventional pollution control technology [(BCT), § 423.14 (reserved)].

A best professional judgment (BPJ) has been made that BCT is equal to BPT and that concentration limitations will be used in lieu of mass limitations in accordance with § 423.12(b)(11) and § 423.13(g).

- H. Florida Water Quality Standards: The receiving waters (Apalachicola River) are classified as Class III Waters - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife.
- I. FAC Chapters 62-620.620(1)(o), which establishes that “when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be as stringent as the final effluent limitations, standards or conditions in the previous permit.”

Internal Outfall I-012

Parameter	Units	Limit	Statistical Basis	Rationale
Flow (MGD)	MGD	Report	Maximum Daily Average	Section 208 CWA, BPJ
Solids, Total Suspended (MG/L)	MG/L	30 100	Maximum Monthly Average Maximum Daily Average	40 CFR 423.12(b)(11)&(12) 40 CFR 423.12(b)(11)&(12)
Oil and Grease (MG/L)	MG/L	15 20	Maximum Monthly Average Maximum Daily Average	40 CFR 423.12(b)(11)&(12) 40 CFR 423.12(b)(11)&(12)
pH (SU)	SU	6.0 9.0	Other-Minimum Other- Maximum	40 CFR 423.12(b)(1) 40 CFR 423.12(b)(1)
Nickel, Total Recoverable (UG/L)	UG/L	Report	Other-Instantaneous Maximum	See Part 2.d

Internal Outfall I-013

Parameter	Units	Limit	Statistical Basis	Rationale
Flow (MGD) ⁴	MGD	Report Report	Maximum Monthly Average Maximum Daily Average	Section 308 CWA, BPJ Section 308 CWA, BPJ
Biochemical Oxygen Demand-5 (MG/L)	MG/L	30.0 60.0	Maximum Monthly Average Maximum Daily Average	62-600.420 & 62-600.740(1)(b)1 62-600.420 & 62-600.740(1)(b)1
Solids, Total Suspended (MG/L)	MG/L	30.0 60.0	Maximum Monthly Average Maximum Daily Average	62-600.420 & 62-600.740(1)(b)1 62-600.420 & 62-600.740(1)(b)1

The following were used as the basis of the permit limitations/conditions:

A. F.A.C. refers to various portions of the Florida Administrative Code.

The effective dates of F.A.C. Rule Chapters cited in the permit and in this document are as follows:

Chapter	Effective Date
62-4	05-01-03
62-302	05-15-02
62-520	12-09-96
62-522	08-27-01
62-550	05-28-03
62-620	08-25-03
62-650	12-26-96
62-660	10-01-98

B. F.S. refers to various portions of the Florida Statutes

C. CFR refers to various portions of the Code of Federal Regulations, Title 40

D. BPJ refers to Best Professional Judgment

4. GROUND WATER MONITORING REQUIREMENTS

The following parameters shall be monitored for ground water: water level relative to NGVD, pH, specific conductance, total recoverable aluminum, arsenic, lead, iron, chromium, selenium, mercury, magnesium, and cadmium, total dissolved solids radium 226&228, gross alpha particle are contained in Part III.B.3 of the permit. The existing facility is exempt for meeting the secondary drinking water standards at the edge of the zone of discharge in accordance with Rule 62.522.200, F.A.C.

5. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

No variances were requested for this facility.

6. COMPLIANCE SCHEDULE AND EFFECTIVE DATE OF PROPOSED EFFLUENT LIMITS

This section is not applicable to this facility

7. DISCUSSION OF PREVIOUS PERMIT EFFLUENT LIMITS

The wastewater permit for this facility FL0002283-001-IW1S, which expired on April 12, 2004 contains the following effluent limits:

⁴ Flow measurement shall be taken on the day of the highest expected flow rate for the week based on number of employees working.

Monitoring Group D-001:

Parameters	Units	Effluent Limitations			
		Maximum Monthly Average	Instantaneous Maximum	Daily Maximum	Daily Minimum
Cadmium, Total Recoverable	UG/L	--	See Part 2.b	--	--
Chlorine, Total Residual	MG/L	--	0.01	--	--
Coliform, Fecal	#/100ML	--	800	--	--
Copper, Total Recoverable	UG/L	--	See Part 2.b	--	--
Flow	MGD	--	Report	--	--
Hardness, Total (as CaCO ₃)	MG/L	--	Report	--	--
Iron, Total Recoverable	MG/L	--	1.0	--	--
Lead, Total Recoverable	UG/L	--	See Part 2.b	--	--
Oil and Grease	MG/L	Report	Report	--	--
pH	SU	--	--	8.5	6.0
Temperature (F), Water	DEG.F	Report	Report	--	--

Monitoring Group I-01C:

Parameters	Units	Effluent Limitations			
		Maximum Monthly Average	Instantaneous Maximum	Maximum Daily Average	Daily Minimum
Flow	MGD	--	--	Report	--
Oil & Grease	MG/L	15	-	20	--
Total Suspended Solids	MG/L	30	-	100	--
Nickel, Total Recoverable	UG/L	--	Report	--	--
pH	SU	--	--	9.0	6.0

Monitoring Group I-01A:

Parameters	Units	Effluent Limitations			
		Maximum Monthly Average	Instantaneous Maximum	Maximum Daily Average	Daily Minimum
Flow	MGD	Report	--	Report	--
Biochemical Oxygen Demand-5	MG/L	30.0	-	60.0	--
Total Suspended Solids	MG/L	30.0	-	60.0	--

8. NEW OR EXPANDED DISCHARGES TO SURFACE WATERS; ANTIDEGRADATION INFORMATION

This facility does not have a new or expanded discharge.

9. EFFECTS OF SURFACE WATER DISCHARGE ON THREATENED OR ENDANGERED SPECIES

The Department does not anticipate adverse impacts on threatened or endangered species as a result of permit issuance.

10. FDEP CONTACT

Additional information concerning the permit may be obtained during normal business hours from:

Tamara M Blyden
Engineer III
Department of Environmental Protection
2600 Blair Stone Road, MS 3545
Tallahassee, FL 32399-2400

Telephone Number: (850) 245-8602
Fax Number: (850) 245-8669

11. THE ADMINISTRATIVE RECORD

The administrative record including application, draft permit, fact sheet, public notice (after release), comments received and additional information is available by writing FDEP or for public inspection during normal business hours at the location specified in item 10. Copies will be provided at a minimal charge per page.

12. PROPOSED SCHEDULE FOR PERMIT ISSUANCE

Draft permit to Applicant and EPA	April 30, 2004
Applicant to Publish Public Notice	May 8, 2004
Beginning of Proposed Public Comment Period	May 8, 2004
Ending of Proposed Public Comment Period	June 8, 2004
Proposed Permit to EPA	June 13, 2004
Notice of Agency Action	June 13, 2004
Proposed Issuance Date of Permit	June 13, 2004

13. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

a. Public Comment Period

The Department of Environmental Protection proposes to issue a wastewater facility permit to this applicant subject to the aforementioned effluent limitations and conditions. This decision is tentative and open to comment from the public.

Interested persons are invited to submit written comments regarding permit issuance on the draft permit limitations and conditions to the following address:

Department of Environmental Protection
2600 Blair Stone Road, MS 3545
ATTN: Vincent Seibold, P.E.

All comments received within 30 days following the date of public notice, pursuant to Rule 62-620.550, F.A.C., will be considered in the formulation of the final decision with regard to permit issuance.

Any interested person may submit written comments on the Department's proposed permitting decision or may submit a written request for a public meeting to the address specified above, in accordance with Rule 62-620.555, F.A.C. The comments or request for a public meeting must contain the information set forth below and must be received in the above named District office of the Department within 30 days of receipt or publication of the public notice. Failure to submit comments or request a public meeting within this time period will constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, F.A.C.

The comments or request for a public meeting shall contain the following information:

- (1) The commenter's name, address and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (2) A statement of how and when notice of the draft permit was received;
- (3) A description of any changes the commenter proposes for the draft permit;
- (4) A full explanation of the factual and legal reasons for each proposed change to the draft permit; and
- (5) A request that a public meeting be scheduled (if applicable) including a statement of the nature of the issues proposed to be raised at the meeting.

b. Public Meeting

The Department will hold a public meeting if there is a significant degree of public interest in the draft permit or if it determines that useful information and data may be obtained thereby. Public notice of such a meeting shall be published by the applicant at least 30 days prior to the meeting.

If a public meeting is scheduled the public comment period is extended until the close of the public meeting. If a public meeting is held any person may submit oral or written statements and data at the meeting on the Department's proposed action.

c. Issuance of the Permit

The Department will make its decision regarding permit issuance after consideration of all written comments, including comments from the United States Environmental Protection Agency on surface water discharge (NPDES) aspects of the draft or proposed permit; the requirements of Chapter 403, F.S., and appropriate rules; and, if a public meeting is held, after consideration of all comments, statements and data presented at the public meeting. The Department will respond to all significant comments in writing. The Department's response to significant comments will be included in the administrative record of the permit and will be available for public inspection at the above named District office of the Department.

Unless a request for a administrative hearing, or an extension of time to file a petition for an administrative hearing, pursuant to Chapter 120, F.S., as indicated in d. below, is granted, the Department will take final agency action by issuing the permit or denying the permit application. If an administrative hearing is convened, final agency action will be based on the outcome of the hearing.

d. Administrative Hearing

A person whose substantial interests are affected by the Department's proposed permitting decision have the opportunity to petition for an administrative proceeding (hearing) to challenge the Department's decision in accordance with Section 120.57, F.S.

An administrative hearing is an evidentiary proceeding in which evidence is presented by testimony and exhibits before an independent hearing officer. The result of an administrative hearing is the issuance of the hearing officer's recommended order to the Department, including the hearing officers findings of fact, based on the evidence presented at the hearing. The Department will issue a final order, granting or denying the permit, based on the hearing officer's recommended order.

The petition for an administrative hearing must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of publication of notice of agency action or within 14 days of personal receipt of notice of agency action, whichever occurs first. The petitioner is to mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period will constitute a waiver of any right such person may have to request an administrative determination (hearing) under section 120.57, F.S. The petition is to contain the following information:

- (1) The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (2) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (3) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (4) A statement of the material facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (5) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (6) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in the notice of agency action. Persons whose substantial interests will be affected by any decision of the Department on the application have the right to petition to become a party to the proceeding, regardless of their agreement or disagreement with the Department's proposed action indicated in the notice of agency action.

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER:

FL0002283 (Major)

PA FILE NUMBER:

FL0002283-003-IW1S

ISSUANCE DATE:

DRAFT Permit

EXPIRATION DATE:

DRAFT Permit

RESPONSIBLE AUTHORITY:

Mr. Bernard Jacob
Vice-President, External Affairs & Corporate
Services

FACILITY:

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

Latitude: 30° 40' 11.55" N Longitude: 84° 53' 15.76" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). 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:

This facility consists of two coal fired steam electric generating units (Units 1 and 2) with a total nameplate rating of 80 megawatts (MW), and a gross generation capacity facility of 98 MW.

WASTEWATER TREATMENT:

Non-contact once-through condenser cooling water (OTCW) discharges with chlorination to the on-site discharge canal, and thence to the Apalachicola River, a Class III fresh water. All other industrial and domestic wastewater streams discharge into the on-site ash pond. Discharges to the on-site ash pond consists of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown and air preheated wash) , coal pipe runoff, yard sump runoff, and treated domestic wastewater. Domestic Wastewater receives secondary treatment in a package treatment plant prior to discharging to the ash pond. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

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EFFLUENT DISPOSAL:

Surface Water Discharge:

An existing 129.6-MGD maximum discharge to Apalachicola River (Class III Fresh waters). The non- contact once-through condenser cooling water through D-001 located approximately at latitude 30° 39' 58" N, longitude 84° 53' 12" W.

Internal Outfalls:

This permit authorizes discharge from an existing internal outfall I-012 to discharge canal, and from an existing internal outfall I-013 to ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth on pages 1 through 23 of this permit.

PERMITTEE:

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Expiration date:

DRAFT Permit
DRAFT 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 non -contact once- through condenser cooling water and ash pond overflow from Outfall D-001-**COMBINED PLANT DISCHARGE**. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	--	Report	--	Daily	Calculated	EFF-2
Temperature (F), Water (Intake) (DEG.F)	Report	Report	--	4 days/week	Recorder	INT-1
Temperature (F), Water (Discharge) (DEG.F) ²	Report	Report	--	4 days/week	Recorder	EFF-1
pH (SU)	--	8.5	6.5	Weekly	Grab	EFF-2
Oil and Grease (MG/L)	--	5.0	--	Quarterly	Grab	EFF-2
Chlorine, Total Residual (MG/L) ¹	--	0.01	--	Weekly	Grab	EFF-2
Chlorination Duration (MINUTES)	--	120	--	Weekly	Grab	EFF-2
Copper, Total Recoverable (UG/L) ³	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Cadmium, Total Recoverable (UG/L) ³	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Lead, Total Recoverable (UG/L) ³	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Iron, Total Recoverable (MG/L) ²	--	1.0	--	Annually	24-hr. time proportional composite	EFF-2
Coliform, Fecal (#/100ML)	--	800	--	Quarterly	Grab	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 Discharge from this outfall is subject to the requirements of Rule 62-302.520(1), F.A.C.

³ The water quality standard is the hardness-based standard as specified in Rule 962-302.530, F.A.C., for Class III freshwater. The water quality standard shall be calculated by inserting the effluent hardness into the appropriate formula for a particular metal as specified in Rule 62-302.530, F.A.C.

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Hardness, Total (as CaCO ₃) (MG/L)	--	Report See Cond. I.A.3	--	Annually	24-hr. time proportional composite	EFF-2

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

Sample Point	Description of Monitoring Location
EFF-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.
INT-1	At the condenser inlet.
EFF-1	At the condenser outlet.

3. The limit for Total Recoverable Copper, Cadmium, and Lead shall be calculated using the following equations:

$$\text{Cu} < e(0.8545[\ln H]-1.702)$$

$$\text{Cd} < e(0.7852[\ln H]-3.49)$$

$$\text{Pb} < e(1.273[\ln H]-4.705)$$

Total hardness shall be measured at the time of the effluent sample. The “ln H” means the natural logarithm of total hardness expressed as milligrams/L of CaCO₃. This equation can only be applied for hardness in the range of 25 MG/L to 400 MG/L as CaCO₃. If the total hardness is below 25 MG/L, the permittee shall use 25 MG/L for total hardness in the equation and if the hardness is above 400 MG/L, the permittee shall use 400 MG/L for total hardness in the equation.

The measured effluent value shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (effluent). The calculated effluent limit shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated effluent limit. The compliance value shall be recorded on the DMR in the parameter row for Copper, Cadmium, or Lead, Total Recoverable (effluent minus calculated limit). If the compliance value is greater than 0.00, the permittee will be considered in violation of the limitation.

4. The actual limit shall be the water quality standard set Rule 62-302.530, F.A.C., for Class III fresh or the concentration of the intake cooling water, whichever greater. If the outfall D-001 composite sample exceeds the intake concentration, and the intake concentration exceeds the water quality standard, a minimum of five (5) additional sub-sample shall be measured from the original intake and outfall composites and a “student t-test” shall be run on these additional sub-sample comparing discharge concentrations; unless the discharge concentration exceeds the intake concentration at the 95% confidence level, the facility shall be compliance with the limit.

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5. Limitations and monitoring requirements for total residual chlorine are not applicable for time periods in which once- through condenser cooling water intake is not chlorinated.
6. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge ash pond discharge from Internal Outfall I-012- **ASH POND DISCHARGE** (formerly outfall I-IC) to discharge canal. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	--	--	Weekly	Calculated	OUI-3
Solids, Total Suspended (MG/L)	100	30	--	Weekly	24-hr. time proportional composite	OUI-3
Oil and Grease (MG/L)	20	15	--	Every two weeks	Grab	OUI-3
PH (SU)	-	--	9.0 Maximum 6.0 Minimum	Weekly	Grab	OUI-3
Nickel, Total Recoverable (UG/L)	--	--	Report Instantaneous Maximum	Annually	Grab	OUI-3

7. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.6 and as described below:

Sample Point	Description of Monitoring Location
OUI-3	The point of discharge is the ash pond discharge weir.

8. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge domestic wastewater treatment plant effluent from Internal Outfall I-013 **DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT** (formerly outfall I-1A) to the ash pond. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Maximum Monthly Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD) ⁴	Report	Report	--	Weekly	Meter	OUI-4
Biochemical Oxygen Demand-5 (MG/L)	60.0	30.0	--	Quarterly	Grab	OUI-4
Solids, Total Suspended (MG/L)	60.0	30.0	--	Quarterly	Grab	OUI-4

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

Sample Point	Description of Monitoring Location
OUI-4	The point of discharge is the wastewater treatment outlet box.

10. Wastewater treatment plant effluent shall be continuously chlorinated and a 0.5mg/l chlorine residual shall be maintained in the contact chamber for 15 minutes prior to discharge.
11. There shall be no discharge of floating solids or visible foam in other than trace amounts.
12. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

This section is not applicable to this facility.

C. Land Application Systems

This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
- 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;
 - The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
 - If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

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Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.
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 Northwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

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

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

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

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

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

Northwest District Office
160 Government Center
Pensacola, FL 32501-5794

Phone Number - (850) 595-8300

FAX Number - (850) 595-8300 (All FAX copies shall be followed by original copies.)

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples, which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
9. In accordance with 40 CFR Part 423.12 (b)(2) there shall be no discharge of polychlorinated biphenyl compounds.
10. 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 (expected 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:
- Name and general composition of biocide or chemical.
 - Frequencies of use.
 - Quantities to be used
 - Proposed effluent concentration
 - 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.)
 - Product data sheet

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g. Product label

The Department shall review the above information to determine if a substantial 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.

11. Discharge of any waste resulting from the combustion 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 (RCRA) and 40 CFR Part 266, via ash pond shall be an authorized discharge of this permit.
12. Pursuant to Rules 62-302.500(2)(d) and 62-620.620(2)(c)1., F.A.C., metals concentrations shall be reported and expressed as the total recoverable fraction.
13. The permittee shall periodically survey all ash pond dikes and toe areas for structural integrity on annually basis thereafter. The permit shall certify that no breaches or structural defect 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.
14. This permit authorizes the use of hydrazine and ammonia in the boiler water system.
15. 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.
16. Once each year during the term of this permit, 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 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 certification required during the next permitting cycle.
17. The Permittee shall develop a monitoring plan in accordance with Rule 62-302.520(1), F.A.C., pursuant to the schedule in item VI.5, including a proposed implementation schedule, designed to determine any effects on biological communities from the heated water discharge to the Apalachicola River. The plan shall address monitoring of aquatic species as appropriate, and shall include reporting requirements. The monitoring plan shall identify data provided by other existing programs as well as any additional monitoring to be conducted by the Permittee necessary.

II. Industrial Sludge Management Requirements

1. This section not applicable to this facility.

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III. Ground Water Monitoring Requirements

A. Construction Requirements

1. This section is not applicable to this facility.

B. Operational Requirements

1. 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.
2. The following monitoring wells shall be sampled for Ground Water Discharge:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWC-2	WSW-2	-	Floridan	Existing
MWC-203	MW-203MD	-	Floridan	Existing
MWC-204	MW-204MD	-	Floridan	Existing
MWB-205	MW-205MD	-	Floridan	Existing
MWC-210	MW-210MD	-	Floridan	Existing
MWC-212	MW-212MD	-	Floridan	Existing
MWC-2031	MW-203S	-	Surficial	Existing
MWI-204	MW-204S	-	Surficial	Existing
MWB-2051	MW-205S	-	Floridan	Existing
MWP-103	MW-103	-	Floridan	Existing
MWP-105	MW-105	-	Floridan	Existing
MWP-110	MW-110A	-	Floridan	Existing
MWP-112	MW-112	-	Floridan	Existing

MWB = Background; MWI = Intermediate; MWC = Compliance; MWP = Piezometer

3. The monitor wells specified in Condition III.B.2 shall be sampled for the parameters listed below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	FEET	Grab	Annually
pH	Report	SU	Grab	Annually
Specific Conductance	Report	UMHO/CM	Grab	Annually
Aluminum, Total Recoverable	Report	MG/L	Grab	Annually
Arsenic, Total Recoverable	See cond. III.B.4.	UG/L	Grab	Annually
Cadmium, Total Recoverable	0.005	UG/L	Grab	Annually
Chloride (as Cl)	Report	MG/L	Grab	Annually
Chromium, Total Recoverable	0.100	UG/L	Grab	Annually
Iron, Total Recoverable	Report	MG/L	Grab	Annually

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Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Lead, Total Recoverable	0.015	UG/L	Grab	Annually
Magnesium, Total Recoverable	Report	MG/L	Grab	Annually
Mercury, Total Recoverable	0.002	UG/L	Grab	Annually
Selenium, Total Recoverable	0.050	UG/L	Grab	Annually
Sulfate, Total	Report	MG/L	Grab	Annually
Alpha, Gross Particle Activity	15	PCI/L	Grab	Annually
Radium 226 + Radium 228, Total	5	PCI/L	Grab	Annually
Solids, Total Dissolved (TDS)	Report	MG/L	Grab	Annually

4. From the date of permit issuance until December 31, 2004, the compliance well limit for Total Recoverable arsenic shall be 0.05 mg/l. From January 1, 2005 through the date of permit expiration the compliance well limit for Total Recoverable arsenic shall be 0.01 mg/l.
5. For the land application system(s) Ground Water Discharge, all ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally along the ground surface to the property line and vertically to the base of the top of the Floridan Aquifer.
6. 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.
7. When gross alpha is detected above 3.0 pCi/l then combined Radium 226 and 228 shall be tested and reported.
8. In the event the water quality monitoring shows a violation of the applicable water quality standards, the permittee shall arrange for a confirmation re-sampling 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 consider the initial analysis to be representative of the current water quality conditions at this facility. If the initial results demonstrate or the re-sampling confirms ground water contamination, the permittee shall notify the Department in writing within 14 days of this finding.
9. The Permittee shall develop a written technical report pursuant to the schedule in Condition VI.4; to summarize and interpret the water quality data and water levels obtained 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.

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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.
10. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
11. 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.
12. If the concentration for any constituent listed in Permit Condition III.B.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
13. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.
14. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
15. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representatives of ground water conditions.
16. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
17. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
18. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
19. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the address specified in I.E.3. Results shall be submitted with the DMR for each month listed in the following schedule.

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

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IV. Other Land Application Requirements

This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

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

B. Record keeping Requirements:

1. The permittee shall maintain the following records 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 f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Continue Implementing Existing BMP3 Plan	Issuance Date of Permit

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

Operational level attained

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3. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
4. When an application for renewal of this permit is submitted, no later than 180 days prior to permit expiration, the Permittee shall submit a technical report on groundwater in accordance with the requirements of Item III.B.9.
5. Within six months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a plan for biological monitoring in accordance with the requirements of Item I.E.17, and shall submit the plan within twelve months of issuance of this permit.

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 at the Northwest District Office, are made a part hereof.
2. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

This section is not applicable to this facility.

C. Duty to Reapply

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

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D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and 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.
- (8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.
- (9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

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2. **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 covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. **Signatory Authority & Management Responsibilities**

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

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

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. **BMP3 Plan Requirements**

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. **Waste Minimization Assessment**

The permittee is encouraged to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit. The WMA addresses implementation of both short-term and long-term opportunities for minimizing waste generation at this facility, utilizing at a minimum, applicable criteria selected from Department guidance on appropriate components of a waste minimization assessment. Initially, the WMA focuses primarily on actions that could be implemented quickly, thereby realizing tangible benefits to surface water quality. Long term goals and actions pertaining

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to waste reduction include investigation of the feasibility of eliminating toxic chemical use, instituting process changes, raw material replacements, etc.

Practices which reduce pollutant loading in wastewater or storm water discharges with a consequent increase in solid hazardous waste generation, decrease in air quality, or adverse affect to groundwater would not be considered waste reduction for the purposes of this assessment.

d. Best Management Practices & Pollution Prevention Committee Recommended:

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 the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. 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.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility 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, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.

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- (3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

<u>ELEMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the 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 waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

3. Components Of A Waste Minimization Assessment

If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(850) 245-8589

(850) 245-8669 -- Fax

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

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b. Controls any pollutant not addressed in the permit.

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

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

VIII. General Conditions

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

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of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*

8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*

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16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
[62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
20. The permittee shall report to the Department's Northwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,

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- (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Northwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.
 - c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northwest District Office shall waive the written report.
[62-620.610(20), F.A.C.]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

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

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23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Mimi A. Drew
Director
Division Water Resources Management