

Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

INTENT TO ISSUE

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Gulf Power Company
One Energy Place
Pensacola, Florida 32520

DEP File # FL0002283-003-IW1S

Attention: Mike Kyhos:

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

The applicant, Gulf Power Company, applied on October 10, 2003 to the Department of Environmental Protection for a renewal of permit FL0002283 to operate wastewater treatment and effluent disposal facilities at the Scholz power plant in Sneads, Jackson County. The facility discharges chlorinated non-contact once through condenser cooling water (OCTW) 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 consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown and air preheater wash), auxiliary equipment cooling water, 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. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

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

Under Section 403.815, Florida Statutes, and Rule 62-110.106, Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue a Permit. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to the Department, at the Department of Environmental

"More Protection, Less Process"

Printed on recycled paper.

Protection, at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit under Rule 62-110.106(11), Florida Administrative Code.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

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

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

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

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

A petition that disputes the material facts on which the Department's action is based must contain the following information:

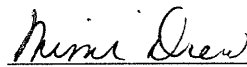
- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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

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

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



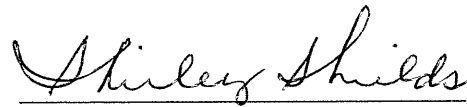
Mimi A. Drew
Division Director

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on 07-09-04 to the listed persons.

FILING AND ACKNOWLEDGMENT

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



07/09/04

Clerk Date

Copies furnished to:

Roosevelt Childress - EPA Region 4
Chairman, Board of Jackson County Commissioners
Hamilton Owen - DEP Tallahassee (w/o attachment)
Bill Armstrong, P.E., DEP NWD, Pensacola
Betsy Hewitt - DEP OGC, Tallahassee (w/o attachment)

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

The Department of Environmental Protection gives notice of its intent to issue a permit to Gulf Power Company, One Energy Place, Pensacola, FL 32520 for renewal of permit FL0002283 to operate wastewater treatment and effluent disposal facilities at the Scholz power plant in Sneads, Jackson County. The facility discharges chlorinated non-contact once through condenser cooling water (OCTW) 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 consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown and air preheater wash), auxiliary equipment cooling water, 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. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

The intent to issue and application file 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 Northwest District Office, 2345 Main Street, Pensacola, FL 32803-3767.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

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

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

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

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

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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

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

AMENDMENT TO THE FACT SHEET
AT THE TIME OF PROPOSED PERMIT ISSUANCE

DATE: July 6, 2004

PERMIT NUMBER: FL0002283

PERMITTEE: Gulf Power Scholz Power Plant

1. Comments by the Permittee Requesting Changes to the Draft Permit and Fact Sheet

The Permittee requested the following changes to the Draft Permit in a letter received June 25, 2004:

- a. Cover Page -- Permittee noted typographical errors in the wastewater treatment description which have been corrected in the Proposed Permit.
- b. Condition I.A.1. -- Permittee noted the following typographical errors which have been corrected in the Proposed Permit. The minimum pH limit in the condition was "6.5" but should be "6.0." The sample type for time of chlorine addition was "grab" but should be "calculated." The limitation for total recoverable iron should reference condition I.A.4.
- c. Condition I.A.11 -- The Permittee requested that the Department insert a new permit condition authorizing discharge of intake screen backwash water, uncontaminated stormwater, turbine oil cooling water, and hydrogen cooler water without monitoring or limitation. The Department has inserted a new condition authorizing discharge of intake screen backwash water without monitoring or limitation, because this is a standard industry practice at power plants and is routinely authorized by permits. However, the permit application stated that discharge of stormwater associated with industrial activities is already authorized under the Multi-Sector General Permit (MSGP) at the Scholz plant. Therefore, it is not necessary to add the requested condition for stormwater. Turbine oil cooling water and hydrogen cooler water were not included in the application and were not in the previous permit. Therefore, the Department does not have a basis for including these discharges in the proposed permit. Gulf Power may, however, choose to request a minor permit revision to incorporate these uncontaminated non-contact cooling water discharges after the renewal permit is issued.
- d. Condition I.E.13 -- The Permittee requested minor rewording for clarification of periodic ash pond structural integrity surveying. The Proposed Permit incorporates the requested rewording.

- e. Condition I.E.17 -- The Permittee requested that the Department delete the requirement for verification biological monitoring pursuant to Rule 62-302.520(1), F.A.C. because the facility conducts voluntary annual biological monitoring. Because GPC's voluntary monitoring was not provided with the application and has not been reviewed, the Department believes that it is inappropriate to delete the condition. However, the Department acknowledges that GPC's existing data should be incorporated into the evaluation of potential thermal impacts, and has revised the condition to account for GPC's existing studies.
- f. Condition III.B.3. -- The Permittee requested that ground water compliance limits should be expressed in units of milligrams/liter (mg/l), where appropriate, in the permit table. The Department has revised the limits accordingly.
- g. Condition III.B.7. and III.B.13 -- The Permittee requested that these two conditions requiring radionuclide monitoring in ground water be deleted as unnecessary. The Department's Groundwater Regulation Section reviewed the request and determined that radionuclide monitoring is appropriate for ground water at the facility. However, condition II.B.7. was revised to more accurately reflect appropriate water quality standards.
- h. Condition III.B.15. -- The Permittee requested that the condition reference the Department's 1994 guidance on the sample filtration. The Department incorporated the requested language into the Proposed Permit.

2. Comments by USEPA Region IV Requesting Changes to the Draft Permit and Fact Sheet

None. EPA did not comment on the draft permit or fact sheet.

Other Comments

No comments were received from the public or from other governmental agencies.

**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:

Proposed

EXPIRATION DATE:

Proposed

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 consist of low volume wastes (LVW) (i.e. ash sluice water, water softener regeneration wastewater, boiler blowdown and air preheater wash) auxiliary equipment cooling water, 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. Overflow from the ash pond discharges to the on-site discharge canal, and thence to the Apalachicola River.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER: FL000 83-003-IW1S

Issuance date: Proposed
Expiration date: Proposed

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 in Part I through Part VII on pages 3 through 24 of this permit.

PERMITTEE:

PERMIT NUMBER: 002283-003-IW1S

Gulf Power Company
One Energy Place
Pensacola, FL 32520

Issuance date: Proposed
Expiration date: Proposed

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) ¹	Report	Report	--	4 days/week	Recorder	EFF-1
pH (SU)	--	8.5	6.0	Weekly	Grab	EFF-2
Oil and Grease (MG/L)	--	5.0	--	Quarterly	Grab	EFF-2
Chlorine, Total Residual (MG/L) ²	--	0.01	--	Weekly	Grab	EFF-2
Chlorination Duration (MINUTES)	--	120	--	Weekly	Calculated	EFF-2
Copper, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Cadmium, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Lead, Total Recoverable (UG/L)	--	See Cond. I.A.3,4	--	Annually	24-hr. time proportional composite	EFF-2
Iron, Total Recoverable (MG/L)	--	1.0, See Cond. I.A.4	--	Annually	24-hr. time proportional composite	EFF-2
Coliform, Fecal (#/100ML)	--	800	--	Quarterly	Grab	EFF-2
Hardness, Total (as CaCO ₃) (MG/L)	--	Report See Cond. I.A.3	--	Annually	24-hr. time proportional composite	EFF-2

¹ Discharge from this outfall is subject to the requirements of Rule 62-302.520(1), F.A.C.

² Multiple grabs for TRC 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.

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER:

FL0000083-003-IW1S

Issuance date:

Proposed

Expiration date:

Proposed

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:

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

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

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

Total hardness shall be measured at the time of the effluent sample. The “ln H” means the natural logarithm of 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 in Rule 62-302.530, F.A.C., for Class III fresh water or the concentration of the intake cooling water, whichever is 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-samples 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 with intake concentrations; unless the discharge concentration exceeds the intake concentration at the 95% confidence level, the facility shall be in compliance with the limit.
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:

PERMITTEE:

PERMIT NUMBER: L0002283-003-IW1S

Gulf Power Company
One Energy Place
Pensacola, FL 32520

Issuance date:
Expiration date:

Proposed
Proposed

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)	Report	Report	--	Weekly ³	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

³ Flow measurement shall be taken on the day of the highest expected flow rate for the week based on number of employees working.

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.

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Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER:

FL0002283-003-IW1S

Issuance date:

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Proposed

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. Intake screen back wash water may be discharged without limitation or monitoring requirements.
12. There shall be no discharge of floating solids or visible foam in other than trace amounts.
13. 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:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported 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
 - c. 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.

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:

PERMIT NUMBER: L0002283-003-IW1S

Gulf Power Company
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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

PERMITTEE:

Gulf Power Company
One Energy Place
Pensacola, FL 32520

PERMIT NUMBER:

FL0002283-003-IW1S

Issuance date:
Expiration date:

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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 of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit. The discharge of plant ash transport water, resulting from the combustion of on specification used oil as authorized under the Resource Conservation and Recovery Act (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. No later than December 31, 2004, and annually thereafter, the permittee shall certify that no breaches or structural defects resulting in the discharges to surface waters of the State were observed during the previous calendar year. In the event that such defect(s) exists and results in potential discharge to surface waters of the State, the permittee shall notify the Department within fifteen (15) days of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule.
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 an evaluation 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 evaluation plan shall incorporate existing data developed by the Permittee and available data other programs as well as any additional monitoring to be conducted by the Permittee, if necessary. The Department will review the evaluation plan and implementation schedule for revision, as needed.

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II. Industrial Sludge Management Requirements

1. This section not applicable to this facility.

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-210S	MW-210S	-	Surficial	Existing
MWI-204	MW-204S	-	Surficial	Existing
MWB-2051	MW-205S	-	Surficial	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	In-situ	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.	MG/L	Grab	Annually

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Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Cadmium, Total Recoverable	0.005	MG/L	Grab	Annually
Chloride (as Cl)	Report	MG/L	Grab	Annually
Chromium, Total Recoverable	0.100	MG/L	Grab	Annually
Iron, Total Recoverable	Report	MG/L	Grab	Annually
Lead, Total Recoverable	0.015	MG/L	Grab	Annually
Magnesium, Total Recoverable	Report	MG/L	Grab	Annually
Mercury, Total Recoverable	0.002	MG/L	Grab	Annually
Selenium, Total Recoverable	0.050	MG/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

- 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.
- The zone of discharge for the ash pond shall extend horizontally along the ground surface to the property line and vertically from the land surface to the base of the surficial aquifer.
- 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.
- When gross alpha is detected above 5.0 pCi/l then combined Radium 226 and 228 shall be tested and reported.
- 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.
- 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:

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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 and downgradient wells.
 3. A summary of all violations of applicable water standards.
 4. Ground water contour maps for each sampling event.
 5. A discussion of any data that is thought to be inconsistent or suspect.
 6. A summary of the physical condition of the monitoring system. This should be based on visual observation and sampling records.
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 the approval steps outlined in the FDEP document entitled Department Representative Ground Water Samples, Filtered or Unfiltered (January 1994) have met and approved by the Department.
 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

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

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.

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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 Issuance Date of permit

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

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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.

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.

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- (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.

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;

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- (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 but not required 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.

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

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.

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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.
- (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.

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

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

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- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant, which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - 1) One hundred micrograms per liter;
 - 2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony; or
 - 3) Five times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant, which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - 1) Five hundred micrograms per liter;
 - 2) One milligram per liter for antimony; or
 - 3) Ten times the maximum concentration value reported for that pollutant in the permit application.

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;
 - 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.]

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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 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.]*

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11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - 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.

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- 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,
 - (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.

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- 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.
 - 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