



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit by:

Gulf Power Company
James O. Vick
Director of Environmental Affairs
One Energy Place
Pensacola, Florida 32520

PA File No. FL0002283-004-IW1S
Jackson County
Scholz Electric Generating Plant
NPDES Permit No. FL0002283

NOTICE OF DRAFT PERMIT

The Department of Environmental Protection gives notice of its preparation of a draft 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 December 14, 2009 to the Department of Environmental Protection for a renewal permit (FL0002283) to operate wastewater treatment and effluent disposal facilities for Units 1 and 2 of the Scholz Electric Generating Plant in Jackson County, Florida. The discharge consists of once-through non-contact cooling water and ash pond overflow. Ash sluice water, low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater are discharged to the on-site ash pond. The facility discharges to the Apalachicola River (Class III fresh waters).

The Department has permitting jurisdiction under Section 403.0885, Florida Statutes, 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 the proposed project will comply with the appropriate provisions of the Florida Administrative Code Rule 62-620 as long as all of the conditions in the attached permit are adhered to.

Under Section 403.815, 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 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 Florida Department of Environmental Protection, Bureau of Water Facilities Regulation, Industrial Wastewater Section, Mail Station 3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 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 or may submit a written request for a public meeting to Florida Department of Environmental Protection, Bureau of Water Facilities Regulation, Industrial Wastewater Section, Mail Station 3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Attention Mr. Marc Harris, P.E., 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



Janet G. Llewellyn

Director

Division of Water Resource Management

2600 Blair Stone Road

Tallahassee, FL 32399-2400

(850) 245-8336

FILING AND ACKNOWLEDGMENT

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

G. Shields 06-14-10
Clerk Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF DRAFT PERMIT and all copies were mailed before the close of business on 06-14-10 to specific listed persons.

G. Shields 06-14-10
Name Date

Copies furnished by certified mail to:

Mark Nuhfer, NPDES Permitting Section, EPA Region 4, Atlanta, GA
Chairman, Board of Jackson County Commissioners
Susan Kennedy, Gulf Power Company
Mike Markey, Gulf Power Company

Copies furnished by First Class mail to:

U.S. Fish & Wildlife Service
Florida Department of Community Affairs
Florida Department of State, Bureau of Historic Preservation
U.S. Army Corps of Engineers

Copies furnished by intradepartmental mail to:

Bill Armstrong, P.E., DEP Pensacola
James Billizon, DEP Pensacola
Justin Wolfe, Esq., DEP Tallahassee
Nancy Ross, DEP Tallahassee

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

Department of Environmental Protection gives notice of its preparation of a draft permit renewal (FL0002283) for Gulf Power Company to operate wastewater treatment and effluent disposal facilities for Units 1 and 2 of the Scholz Electric Generating Plant in Jackson County, Florida. The discharge consists of once-through non-contact cooling water and ash pond overflow. Ash sluice water, low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater are discharged to the on-site ash pond. The facility discharges to the Apalachicola River (Class III fresh waters).

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 the Industrial Wastewater Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Attention: Marc Harris, P.E., in accordance with Rule 62-620.555, Florida Administrative Code (FAC). 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, FAC.

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 permit application file and 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 Florida Department of Environmental Protection, Bureau of Water Facilities Regulation, Industrial Wastewater Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850) 245-8589 and at the Department's Northwest District Office located at 160 Governmental Center, Pensacola, Florida 32502, Phone Number: (850) 595-8300.

**FACT SHEET
FOR
STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMIT NUMBER: FL0002283-004 (Major)

FACILITY NAME: Gulf Power Company - Scholz Electric Generating Plant

FACILITY LOCATION: 1460 Gulf Power Road, Sneads, FL 32460
Jackson County

NAME OF PERMITTEE: Gulf Power Company

PERMIT WRITER: Kevin Ledbetter

1. SUMMARY OF APPLICATION

a. Chronology of Application

Application Number:	FL0002283-004-IW1S
Application Submittal Date:	December 14, 2009
Additional Information Submitted:	March 18, 2010 April 28, 2010

b. Type of Facility

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 of 98 MW.

SIC Code: 4911 - Fossil Fuel Electric Power Generation

c. Facility Capacity

Existing Permitted Capacity:	129.6 MGD Daily Maximum Flow
Proposed Increase in Permitted Capacity:	0 MGD Daily Maximum Flow
Proposed Total Permitted Capacity:	129.6 MGD Daily Maximum Flow

d. Description of 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.

e. Description of Effluent Disposal and Land Application Sites (as reported by applicant)

Monitoring Group D-001:

Class III Fresh Waters, Apalachicola River

Pollutants which are present in significant quantities or which are subject to permit limitations are as follows:

Parameter	Units	Max/Min	Reported Value	Statistical Basis
Flow	MGD	Max	33.64	Daily Maximum
Temperature (F), Water (winter)	Deg F	Max	40.17	Daily Maximum
Temperature (F), Water (summer)	Deg F	Max	42	Daily Maximum
pH	s.u.	Min	6.91	Daily Minimum
		Max	7.85	Daily Maximum
Oil and Grease	mg/L	Max	3.5	Daily Maximum
Chlorine, Total Residual	mg/L	Max	0.002	Daily Maximum
Copper, Total Recoverable	ug/L	Max	1.1	Daily Maximum
Cadmium, Total Recoverable	ug/L	Max	0.06	Daily Maximum
Lead, Total Recoverable	ug/L	Max	0.1	Daily Maximum
Iron, Total Recoverable	mg/L	Max	0.290	Daily Maximum

2. PROPOSED EFFLUENT WATER LIMITATIONS

See Permit.

3. SUMMARY OF SURFACE WATER DISCHARGE

This facility does not have a new or expanded discharge to surface waters.

Monitoring Group D-001: Existing discharge of once-through cooling water from Units 1 and 2, along with periodic overflow from the ash pond.

Monitoring Group I-012: Existing ash pond discharge to the discharge canal, consisting of ash sluice water, low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater.

Monitoring Group I-013: Existing domestic wastewater plant effluent discharge to the ash pond.

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

4. BASIS FOR PERMIT LIMITATIONS AND MONITORING REQUIREMENTS

This facility is authorized to discharge once-through non-contact cooling water and ash pond overflow from Outfall D-001 to Apalachicola River based on the following:

Parameter	Units	Max/Min	Limit	Statistical Basis	Rationale
Flow	MGD	Max	Report	Daily Maximum	308(a) CWA, BPJ
Temperature (F), Water (Intake)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	308(a) CWA, BPJ
Temperature (F), Water (Discharge)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	62-620.520, F.A.C.
pH	s.u.	Min	6.0	Daily Minimum	62-302.530, F.A.C.
		Max	8.5	Daily Maximum	
Oil and Grease	mg/L	Max	5.0	Daily Maximum	62-302.530, F.A.C.
		Max	5.0	Monthly Average	
Chlorine, Total Residual	mg/L	Max	0.01	Daily Maximum	62-302.530, F.A.C.
		Max	0.01	Monthly Average	
Chlorination Duration	min	Max	120	Daily Maximum	40 CFR Part 423(b)(2)

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Copper, Total Recoverable	ug/L	Max	See Below	Single Sample	62-302.530, F.A.C.
Cadmium, Total Recoverable	ug/L	Max	See Below	Single Sample	62-302.530, F.A.C.
Lead, Total Recoverable	ug/L	Max	See Below	Single Sample	62-302.530, F.A.C.
Iron, Total Recoverable	mg/L	Max Max	1.0 1.0	Daily Maximum Monthly Average	62-302.530, F.A.C. 62-302.530, F.A.C.
Mercury, Total Recoverable	ug/L	Max	Report	Daily Maximum	BPJ, 62-302.530, F.A.C.
Hardness, Total (as CaCO ₃)	mg/L	Max	Report	Single Sample	62-302.530, F.A.C.
Temperature, Water	Deg C	Max	Report	Single Sample	BPJ, See 5.d
Nitrogen, Ammonia, Total (as N)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Ammonia, Total Unionized (as NH ₃)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Nitrogen, Kjeldahl, Total (as N)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Nitrite plus Nitrate, Total I det. (as N)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Nitrogen, Total	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Phosphorus, Total (as P)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Phosphate, Ortho (as PO ₄)	mg/L	Max	Report	Single Sample	BPJ, See 5.d
Chronic Whole Effluent Toxicity, 7-Day IC ₂₅ (Ceriodaphnia dubia)	percent	Min	100	Single Sample	62-302.530(20) & (61), F.A.C. and 62-4.241(1)(b), F.A.C.
Chronic Whole Effluent Toxicity, 7-Day IC ₂₅ (Pimephales promelas)	percent	Min	100	Single Sample	62-302.530(20) & (61), F.A.C. and 62-4.241(1)(b), F.A.C.

The limit(s) for "Copper, Total Recoverable; Cadmium, Total Recoverable; and Lead, Total Recoverable" shall be calculated using the following equation(s):

$$Cu \leq e^{(0.8545[\ln H]-1.702)} \text{ ug/L}$$

$$Cd \leq e^{(0.7409[\ln H]-4.719)} \text{ ug/L}$$

$$Pb \leq e^{(1.273[\ln H]-4.705)} \text{ ug/L}$$

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of 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. [62-302.530(23), 62-302.530(15), 62-302.530(39)]

This facility is authorized to discharge low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater from Internal Outfall I-012 to the discharge canal based on the following:

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Flow	MGD	Max	Report	Daily Average	308(a) CWA, BPJ
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Maximum	40 CFR Part 423.12(b)(3)&(4)
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Maximum	40 CFR Part 423.12(b)(3)&(4)
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	40 CFR Part 423.12(b)(1)
Nickel, Total Recoverable	ug/L	Max	Report	Instantaneous Maximum	BPJ, See 5.g

This facility is authorized to discharge domestic treatment plant wastewater from Internal Outfall I-013 to the ash pond based on the following:

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	308(a) CWA, BPJ
Biochemical Oxygen Demand-5	mg/L	Max Max	30.0 60.0	Monthly Average Daily Maximum	62-600.420 & 62-600.740(1)(b)1
Solids, Total Suspended	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	62-600.420 & 62-600.740(1)(b)1
Coliform, Fecal	#/100 mL	Max	See Permit	See Permit	62-600.440(4)(c)

Reasonable Assurance

The facility has provided reasonable assurance that the discharge will not adversely affect the designated used of receiving water. Inspection data, as well as all other available 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's water quality standards.

WQBEL Consideration

A Level I WQBEL was performed for the discharge, and is embodied in this Fact Sheet based on historical discharge monitoring data, available inspection reports, and the effluent characterization provided with the application.

5. BASIS FOR SPECIFIC PERMIT CONDITIONS

- a. The polychlorinated biphenyl compound prohibition was included in permit condition I.C.9 as required by 40 CFR 423.12(b)(2).
- b. 316(b) Demonstration

Section 316(b) of the Clean Water Act (CWA) requires that the location, design, construction, and capacity of cooling water intake structures (CWIS) reflect the best technology available (BTA) to protect aquatic organisms from physical, thermal, or chemical stresses from impingement (pinned against intake screens) or entrainment (drawn completely through cooling water systems from intake to discharge).

EPA published rules for existing large steam electric power plants that use surface waters in their cooling systems on July 9, 2004. However, in response to a rule challenge, the federal appellate court struck down the majority of the rule provisions for existing power plants in January 2007. On July 9, 2007, EPA suspended the parts of the rule affected by the court decision [see Federal register Volume 72 FR Page 37107]. This suspension provides a clear statement by EPA that the existing Phase II requirements (with the exception of one provision unaffected by the court decision that reaches beyond the Phase II rule), are suspended and are not legally applicable. In November 2007, the Department amended Rule 62-620.100(3)(z), Florida Administrative Code (F.A.C.), to mirror the EPA rule suspension and adopt by reference 40 CFR 125.90(b). As a result, the Department continues the longstanding practice of applying Section 316(b) of the CWA on a case-by-case basis to existing facilities using best professional judgment (BPJ).

GPC submitted with their permit application an "Impingement and Entrainment Mortality Characterization Study", in support of compliance with Section 316(b) Phase II Rules, pursuant to 40 CFR 125.95(b)(3). The study provided reasonable assurance that the facility does not have a significant adverse effect on resident fish populations within the Apalachicola River system. In order to continue to protect the resident population, conditions were added to the permit to limit the maximum through-screen velocity to the

current operating practices at the facility and to develop a plan to explore the feasibility of constructing a fish return system for the facility.

c. Thermal Considerations

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".

Based upon 62-302.520, F.A.C., the previous permit required the permittee to develop and implement a plan of study to investigate whether the thermal discharge from the facility was creating an adverse impact upon the biological community of the surrounding habitat. The permittee submitted the results of the study with the application for permit renewal and the results were reviewed by the Department's Biology Section. Upon completion of the review, the Department determined that, based upon the supplied data, the thermal discharge from the facility was not having an adverse impact upon the surrounding area. Because of this determination, the previous thermal limitations of the permit were continued in the current permit.

d. Impaired Water Considerations

The facility discharges to the Apalachicola River, which is designated as WBID 375G. WBID 375G is included on the Department's verified list for the following parameters of concern for possible impairment: Mercury. A review of the effluent characterization data included in the application has shown that mercury was below detection level in the discharge at the time of the application for renewal of permit. However, due to the overall lack of mercury data available, monitoring for Total Recoverable Mercury was added to the effluent limitations for D-001 in order to provide reasonable assurance that mercury continues to not cause an increase in impairment within the water body.

In order to provide a baseline for nutrient contribution of the facility's discharge to the water body, nutrient monitoring was included in the permit for Outfall D-001. Temperature (in degrees Celsius) and pH were also included to allow for the calculation of the unionized ammonia content of the discharge.

e. Daily Maximum and Monthly Average Limitations

In 62-620.200(7), F.A.C., a "Continuous Discharge" is defined as "a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes or other similar activities." According to the definition, this facility meets the description of a continuous discharge, and is thereby considered a "Continuous Discharge". Rule 62-620.620(2)(d), applicable to continuous discharges, generally requires all NPDES facility permits to contain effluent limitations for both a Daily Maximum and Monthly Average basis. In order to comply with Rule 62-620.620(2)(d), effluent limitations were updated to include a Monthly Average basis for parameters that have an applicable Water Quality Standard.

f. Federal Effluent Guidelines

Federal effluent guidelines for the steam electric power generating point source category (40 CFR Part 423, November 19, 1982, 47 FR 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).

g. Nickel Monitoring at I-012

The effluent limitation for Total Recoverable Nickel at Outfall I-012 was retained from the previous permit. It was previously recommended that nickel be removed from groundwater monitoring based on a nickel study that was conducted on July 2, 1998 for the monitoring well MW-210MD at the facility. The study provided reasonable assurance that nickel is not of concern in the groundwater monitoring plan and that the elevated levels of nickel in MW-210MD are not violations of groundwater criteria. However, monitoring nickel at the ash pond discharge will continue to provide reasonable assurance that nickel-containing ash (bottom ash at 15 mg/kg and fly ash at 36 mg/kg) does not become a source of pollution to groundwater or surface waters.

h. Ash Pond Impoundment Conditions

The risks associated with impoundments and the need to better address their operation and maintenance were recently made evident by the Kingston, Tennessee fly ash impoundment collapse. Impoundments, such as this, that are used to treat or store wastewater are considered to be facilities of treatment and control and thus are included in the permit's operation and maintenance requirements. Regulations under 40 CFR 122.41(e) require permittees to properly operate and maintain all facilities of treatment and control used to achieve compliance with their permits.

The permit includes new requirements to address impoundment construction, operation, and maintenance. The permit requires impoundments to be designed and constructed in accordance with relevant state and Federal regulations. The permit also requires periodic inspections by trained personnel who are knowledgeable in impoundment design and safety. Increased monitoring is required after large precipitation events, when there is an increased stress to impoundments and a greater potential for impacts on integrity. In addition, annual inspections by qualified responsible officials are required. In response to any changes, such as cracks, erosion, bulges, and changes in seepage that may compromise their integrity, the permittee is also required to respond in a timely manner. The permit also requires annual reporting of inspection and remedial activities as well as timely reporting of changes to integrity and associated corrective actions. The permittee also needs to continue to comply with all requirements of other state and Federal agencies that regulate impoundment design, construction, and maintenance.

These new requirements are intended to increase the permittee's focus on operation and maintenance and to reduce future risks of impoundment failure. The inspection requirements are not expected to be a significant burden to the permittee as they are no more frequent than presently required for similar impoundments under the Mine Safety and Health Administration. Inspections which are required by some other agency can also be used to meet the proposed permit requirements as long as they are done by qualified personnel and meet all the requirements of the permit.

6. DISCUSSION OF CHANGES TO PERMIT LIMITATIONS

The current wastewater permit for this facility FL0002283-004-IW1S expires on June 30, 2010.

The following changes were made to the permit from the previous cycle:

- a. Based upon the changes to 62-4 and 62-302.530, F.A.C., the toxicity monitoring requirements for the facility were changed from acute whole effluent toxicity testing to chronic toxicity testing.
- b. Monitoring requirements for Total Recoverable Mercury were included at Outfall D-001. Annual monitoring of mercury is required for the new permit cycle. Please see Item 5.d above for an explanation of the additional monitoring.
- c. On January 1, 2005, the Class G-II groundwater standard for arsenic decreased from 50 to 10 ug/L. The previous permit was renewed on July 1, 2005. Arsenic is occasionally detected in onsite groundwater monitoring wells at concentrations occasionally greater than 10 ug/L but less than 50 ug/L at this facility. As a result of the change in the arsenic standard, an administrative order was issued with the permit that

required the Permittee to evaluate potential sources of arsenic at the facility. The permittee conducted studies that determined the arsenic is naturally occurring in the groundwater at levels greater than 10 ug/L. The BWFR Groundwater Regulation Section reviewed the study report and concurred with the Permittee's findings. Based on this, the arsenic groundwater discharge limitation was revised in the permit to "report," for compliance monitoring wells MWC-2, MWC-203, MWC-204, MWC-210, MWC-212 and MWC-2031.

- d. Additional conditions were included in the new permit cycle according to C.W.A. 316(b). Conditions were included to limit the current maximum through-screen velocity and to examine the feasibility of implementing a fish return system at the facility. Please see Item 5.b above for an explanation of the new requirements.
- e. Based upon BPJ and guidance from EPA, new requirements concerning the survey and maintenance of the ash pond impoundment were included in the new permit. Please see Item 5.h above for an explanation of the new requirements.
- f. The permit was updated to include the requirement to have the appropriate class of domestic plant operator at the facility, in accordance with 62-699.310, F.A.C. Because the small domestic wastewater package plant is 0.0025 MGD capacity and uses extended aeration as a treatment process, the appropriate requirement of having a Class D operator at the facility, according to 62-699.310(1)(a)3, F.A.C., was included in the permit.
- g. The permittee included in the application a request to use calcium hypochlorite in the once-through cooling water system for the use of biological control. The chemical use approval was included in the permit, along with the appropriate Total Residual Chlorine monitoring requirements at D-001, based upon 62-302.530, F.A.C.
- h. Monitoring requirements for fecal coliform were moved from the main plant discharge at Outfall D-001 to the domestic wastewater package plant internal outfall to the ash pond (Outfall I-017). Because the domestic package plant is the main contributor to the fecal coliform produced from the facility, it was deemed more appropriate to include the requirements for basic disinfection, based on 62-600.440(4)(c), at the outfall from the package plant.

7. DOMESTIC RESIDUALS MANAGEMENT

The method of residuals use or disposal by this facility is transport to a residuals management facility (RMF). Conditions were included in the permit to properly regulate the transfer of the residuals to a management facility, according to 62-640, F.A.C.

8. GROUND WATER MONITORING REQUIREMENTS

Ground water monitoring requirements have been established in accordance with Chapter 62-520, F.A.C.

9. PERMIT SCHEDULES

The permittee is required to:

- a. Within 6 months of the effective date of the permit, obtain Class D certification for an operator of the domestic wastewater treatment plant.
- b. Within 6 months of the effective date of the permit, schedule a meeting with the Department to discuss the contents of the aquatic organism return plan.
- c. Within 12 months of the effective date of the permit, submit the plan for aquatic organism return at the facility.

- d. By January 31, 2010, and annually thereafter, certify that no breaches or structural defects in the ash pond resulting in discharges to surface waters of the State were observed during the previous calendar year. The permittee shall submit an annual report to the Department summarizing findings of all monitoring activities, inspections, and remediation measures pertaining to the structural integrity, design, construction, and operation and maintenance of all impoundments.
- e. Once each year, upon effective date of the permit, 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.

10. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

As stated in Section VII of the permit, a Best Management Practices/Pollution Prevention (BMP3) Plan is required for the facility, pursuant to Rule 62-620.100(m), F.A.C., and 40 CFR Part 122.44(k). The plan provides a facility-specific approach for the minimizing of pollutant discharge from ancillary activities.

Due to the nature of the facility, a Best Management Practices/Pollution Prevention (BMP3) Plan is appropriate for the facility.

11. ADMINISTRATIVE ORDERS (AO) AND CONSENT ORDERS (CO)

This permit is not accompanied by an AO and has not entered into a CO with the Department.

12. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

No variances were requested for this facility.

13. THE ADMINISTRATIVE RECORD

The administrative record including application, draft permit, fact sheet, public notice (after release), comments received and additional information is available for public inspection during normal business hours at the location specified in item 13. Copies will be provided at a minimal charge per page.

14. PROPOSED SCHEDULE FOR PERMIT ISSUANCE

Draft Permit and Public Notice to Applicant and EPA	June 8, 2010
Public Comment Period	Beginning: June 8, 2010 Ending: July 7, 2010
Proposed Permit to EPA	July 8, 2010
Notice of Intent to Issue	July 8, 2010
Notice of Permit Issuance	July 29, 2010

15. DEP CONTACT

Additional information concerning the permit and proposed schedule for permit issuance may be obtained during normal business hours from:

Marc Harris, P.E.
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone Number: (850) 245-8589

Fax Number: (850) 245-8669

16. 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
Mail Station 3545
Tallahassee, FL 32399-2400
Attn.: Marc Harris, 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 has 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 officer's 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

PERMIT NUMBER: FL0002283-004 (Major)
FILE NUMBER: FL0002283-004-IW1S
ISSUANCE DATE: Draft
EXPIRATION DATE: Draft

RESPONSIBLE OFFICIAL:
James O. Vick
One Energy Place
Pensacola, Florida 32520
(850) 444-6429

FACILITY:

Scholz Electric Generating 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. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

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 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.

REUSE OR DISPOSAL:

Surface Water Discharge D-001: An existing 129.6 MGD maximum permitted discharge to Apalachicola River, Class III Fresh Waters, (WBID# 375G). The point of discharge is located approximately at latitude 30°39' 59" N, longitude 84°53' 12" W.

Internal Outfall I-012: An existing permitted discharge to the discharge canal from the ash pond.

Internal Outfall I-013: An existing permitted discharge to the on-site ash pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 25 of this permit.

PERMITTEE: Gulf Power Company
FACILITY: Scholz Electric Generating Plant

PERMIT NUMBER: FL0002283-004 (Major)
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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 once-through non-contact cooling water and ash pond overflow from Outfall D-001 to Apalachicola River. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Daily; 24 hours	Calculated	EFF-2	
Temperature (F), Water (Intake)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	INT-1	
Temperature (F), Water (Discharge)	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	4 Days/Week	Meter	EFF-1	See I.A.6
pH	s.u.	Min Max	6.0 8.5	Daily Minimum Daily Maximum	Weekly	Grab	EFF-2	See I.A.12
Oil and Grease	mg/L	Max Max	5.0 5.0	Daily Maximum Monthly Average	Quarterly	Grab	EFF-2	
Chlorine, Total Residual	mg/L	Max Max	0.01 0.01	Daily Maximum Monthly Average	Weekly	Multiple Grabs ¹	EFF-2	See I.A.8
Chlorination Duration	min	Max	120	Daily Maximum	Weekly	Calculated	EFF-2	
Copper, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4 and I.A.5
Cadmium, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4 and I.A.5
Lead, Total Recoverable	ug/L	Max		Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4 and I.A.5
Iron, Total Recoverable	mg/L	Max Max	1.0 1.0	Daily Maximum Monthly Average	Annually	24-hr TPC	EFF-2	See I.A.5
Mercury, Total Recoverable	ug/L	Max	Report	Daily Maximum	Annually	Grab	EFF-2	
Hardness, Total (as CaCO ₃)	mg/L	Max	Report	Single Sample	Annually	24-hr TPC	EFF-2	See I.A.4
Temperature, Water	Deg C	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Nitrogen, Ammonia, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	See I.A.12
Ammonia, Total Unionized (as NH ₃)	mg/L	Max	Report	Single Sample	Quarterly	Calculated	EFF-2	See I.A.12
Nitrogen, Kjeldahl, Total (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrite plus Nitrate, Total 1 det. (as N)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Nitrogen, Total	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Phosphorus, Total (as P)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	
Phosphate, Ortho (as PO ₄)	mg/L	Max	Report	Single Sample	Quarterly	Grab	EFF-2	

¹ 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.

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Chronic Whole Effluent Toxicity, 7-Day IC25 (Ceriodaphnia dubia)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.13
Chronic Whole Effluent Toxicity, 7-Day IC25 (Pimephales promelas)	percent	Min	100	Single Sample	Quarterly ²	24-hr TPC	EFF-2	See I.A.13

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

Monitoring Site Number	Description of Monitoring Site
EFF-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 condenser outlet.

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
4. The limit for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable" shall be calculated using the following equation(s):

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

$$\text{Cd} \leq e^{(0.7409[\ln H]-4.719)}$$

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

Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as 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.

The measured effluent value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (effluent)." The calculated effluent limit shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (calculated limit)." Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable, Cadmium, Total Recoverable, and Lead, Total Recoverable (effluent minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(23), 62-302.530(15), and 62-302.530(39)]

5. 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.
6. Discharge from Outfall D-001 is subject to the requirements of Rule 62-302.520(1), F.A.C.

² Whole effluent toxicity testing shall be completed during the period of chlorination of the once-through cooling water.

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7. Limitations and monitoring requirements for total residual chlorine are not applicable for time periods in which once-through condenser cooling water is not chlorinated.
8. Discharge of uncontaminated stormwater; intake screen backwash water, turbine oil cooling water, and hydrogen cooler water is permitted without limitations or monitoring requirements except that there shall be no discharge of floating oil.
9. The permittee shall maintain the current intake through-screen velocity such that the existing maximum velocity is not exceeded. *[C.W.A. 316(b)]*
10. The permittee shall maintain current traveling screen practices at Units 1 and 2 so as to assure that the screens are cycled twice during each 24 hours of continuous operation unless precluded by repair/maintenance requirements. *[C.W.A. 316(b)]*
11. The permittee shall develop a plan in accordance with the schedule in Condition VII.3 to help return live fish, shellfish, and other aquatic organisms collected or trapped on the intake screens to their natural habitat. Other material shall be removed from the intake screens and disposed of in accordance with all existing Federal, State and/or Local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters. *[C.W.A. 316(b)]*
12. Samples for pH and temperature (grab) shall be taken simultaneously with each total ammonia grab sample. Un-ionized ammonia shall be calculated in accordance with the procedure provided by the Department (refer to the website www.dep.state.fl.us/labs/library/index.htm). All measured values for pH, temperature, and total ammonia used to calculate an un-ionized ammonia value shall be reported as an attachment to the Discharge Monitoring Report (DMR). All calculated un-ionized ammonia values shall be reported on the attachment. The daily maximum and monthly average values for un-ionized ammonia for each reporting period shall be reported on the DMR.
13. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-001.
 - a. Effluent Limitation
 - (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. *[Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]*
 - (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. *[Rules 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]*
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
 - (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above.
 - (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-013, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
 - c. Sampling Requirements
 - (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-013, Section 8.

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- (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) Samples for routine and additional follow-up tests shall not be collected on the same day.
- d. Test Requirements
- (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: **100%, 50%, 25%, 12.5%, and 6.25%** final effluent.
 - (2) The permittee shall conduct a daphnid, **Ceriodaphnia dubia**, Survival and Reproduction Test and a fathead minnow, **Pimephales promelas**, Larval Survival and Growth Test, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4th Edition, EPA-821-R-02-013. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.
 - (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-013, Section 7.2.3.
- e. Quality Assurance Requirements
- (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-013, Section 13.12 (**Ceriodaphnia dubia**) and Section 11.11 (**Pimephales promelas**). The repeat test shall begin within 21 days after the last day of the invalid test.
 - (3) If 100% mortality occurs in all effluent concentrations for either test species prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
 - (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-013, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.
- f. Reporting Requirements
- (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.
 - (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-013, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
 - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-013, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.
 - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
 - (5) The same bioassay data shall not be reported as the results of more than one test.
 - (6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32502-5794

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g. Test Failures

- (1) A test fails when the test results do not meet the limits in 13.a.(1).
- (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the chronic toxicity limitation in 13.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 13.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
 - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5%, and 6.25% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be analyzed according to the procedures in EPA-821-R-02-013.
- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
 - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 13.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 13.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-013, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
 - (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 13.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 13.a.(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
- (5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity failures.

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

B. Internal Outfalls

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge low volume wastes, auxiliary equipment cooling water, coal pile runoff, yard sump runoff, and treated domestic wastewater from I-012 to discharge canal. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

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FACILITY: Scholz Electric Generating Plant

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Average	Weekly	Calculated	OUI-3	
Solids, Total Suspended	mg/L	Max	30	Monthly Average	Weekly	24-hr TPC	OUI-3	
		Max	100	Daily Maximum				
Oil and Grease	mg/L	Max	15	Monthly Average	Bi-weekly; every 2 weeks	Grab	OUI-3	
		Max	20	Daily Maximum				
pH	s.u.	Min	6.0	Daily Minimum	Weekly	Grab	OUI-3	
		Max	9.0	Daily Maximum				
Nickel, Total Recoverable	ug/L	Max	Report	Instantaneous Maximum	Annually	Grab	OUI-3	

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

Monitoring Site Number	Description of Monitoring Site
OUI-3	The point of discharge at the ash pond discharge weir.

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge domestic treatment plant wastewater from I-013 to ash pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Weekly	Meter	OUI-4	
		Max	Report	Monthly Average				
Biochemical Oxygen Demand-5	mg/L	Max	30.0	Monthly Average	Quarterly	Grab	OUI-4	
		Max	60.0	Daily Maximum				
Solids, Total Suspended	mg/L	Max	30.0	Monthly Average	Quarterly	Grab	OUI-4	
		Max	60.0	Daily Maximum				
Coliform, Fecal	#/100mL	Max	See I.B.6		Quarterly	Grab	EFF-2	See I.B.6

4. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.3. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-4	The point of discharge at the wastewater treatment outlet box.

5. Wastewater treatment plant effluent shall be continuously chlorinated and 0.5 mg/l chlorine residual shall be maintained in the contact chamber for 15 minutes prior to discharge.
6. The arithmetic mean of the monthly fecal coliform values collected during an annual period, as described in subparagraph 62-600.740(1)(a)1., F.A.C., shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile) during a period of 30 consecutive days shall exceed 400 fecal Coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. *Note:* To report the value of the sample that corresponds to the 90th

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percentile value, list the fecal Coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal number for the 27th value of ascending order.

[62-600.440(4)(c)]

C. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical 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.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

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

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

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Annual	January 1 - December 31	January 28
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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 by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

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

[62-620.610(18)]

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

Florida Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32502-5794

Phone Number - (850) 595-8300
FAX Number - (850) 595-8417 (All FAX copies shall be followed by original copies.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. 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 when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
8. Any bypass of the treatment facility which is not included in the monitoring specified in Sections I.A and I.B., 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. There shall be no discharge of polychlorinated biphenyl compounds. [40 CFR Part 423.12(b)(2)]
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 (except chlorine as authorized elsewhere in this permit) or any other portion of the treatment system which may be toxic to aquatic life. The permit revision request shall include:
- Name and general composition of biocide or chemical
 - Frequencies of use
 - Quantities to be used
 - Proposed effluent concentrations

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- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA-821-R-02-012 EP entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

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

- 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 and 40 CFR Part 266, via the ash pond shall be an authorized discharge of this permit.
- 12. Metals concentrations shall be reported and expressed as the total recoverable fraction. *[62-302.500(2)(d) and 62-620.620(2)(c)1, F.A.C.]*
- 13. 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.
- 14. The permittee is authorized to use the following chemicals and biocides in the Unit 8 cooling tower and other wastewater streams:

Chemical Name	System Used
Ammonia	Boiler Water System
Hydrazine	Boiler Water System
Calcium hypochlorite	Once-through cooling water system

II. SLUDGE AND RESIDUALS MANAGEMENT REQUIREMENTS

A. Domestic Residuals Management Requirements

- 1. The method of residuals use or disposal by this facility is transport to a residuals management facility (RMF). Transportation of the residuals to an alternative RMF does not require a permit modification. However, use of an alternative RMF requires the submittal of a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the residuals. *[62-620.320(6), 62-640.880(1)]*
- 2. The permittee shall be responsible for proper management or disposal of its residuals. *[62-640.300(5)]*
- 3. The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted RMF which the source facility has an agreement with in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. *[62-640.300(5)]*
- 4. Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. *[62-640.100(6)(k)3 & 4]*

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5. The permittee shall keep hauling records to track the transport of its residuals to the RMF. The hauling records shall contain the following information:

Source Facility	Residuals Management Facility
1. Date and Time Shipped	1. Date and Time Received
2. Amount of Residuals Shipped	2. Amount of Residuals Received
3. Degree of Treatment (if applicable)	3. Name and ID Number of Source Facility
4. Name and ID Number of Residuals Management Facility or Treatment Facility	4. Signature of Hauler
5. Signature of Responsible Party at Source Facility	5. Signature of Responsible Party at Residuals Management Facility
6. Signature of Hauler and Name of Hauling Firm	

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4)]

7. Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department if the storage lasts longer than 30 days. [62-640.300(4)]

B. Industrial Sludge Management Requirements

- The permittee shall be responsible for proper treatment, management, use or land application of its sludges.
- Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
- The permittee shall keep records of the amount of sludge disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
 - Name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - Name and location of the site of disposal, treatment or incineration;
 - Name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. GROUND WATER REQUIREMENTS

- 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 62-520, F.A.C.
- The following monitoring wells shall be sampled for the ground water discharge:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Depth (Feet)	Aquifer Monitored	New or Existing
		°	'	"	°	'	"			
MWB-205	MW-205MD	30	40	18	84	53	35	-	Floridan	Existing
MWB-2051	MW-205S	30	40	18	84	53	35	-	Surficial	Existing
MWC-2	WSW-2	30	40	19	84	53	17	-	Floridan	Existing
MWC-203	MW-203MD	30	39	59	84	53	15	-	Floridan	Existing
MWC-204	MW-204MD	30	39	57	84	53	28	-	Floridan	Existing
MWC-210	MW-210MD	30	40	6	84	53	14	-	Floridan	Existing

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Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Latitude			Longitude			Depth (Feet)	Aquifer Monitored	New or Existing
		°	'	"	°	'	"			
MWC-212	MW-212MD	30	39	55	84	53	22	-	Floridan	Existing
MWC-2031	MW-203S	30	39	59	84	53	15	-	Surficial	Existing
MWI-204S	MWI-204S, Intermediate	30	39	57	84	53	28	-	Surficial	Existing
MWI-210S	MWI-210S, Intermediate	30	40	6	84	53	14	-	Surficial	Existing
MWP-103	MW-103; Monitoring Piezometer well.	30	39	59	84	53	15	-	Floridan	Existing
MWP-105	MW-105; Monitoring Piezometer well.	30	40	17	84	53	35	-	Floridan	Existing
MWP-110	MW-110A; Monitoring Piezometer well.	30	40	7	84	53	13	-	Floridan	Existing
MWP-112	MW-112; Monitoring Piezometer well.	30	39	55	84	53	22	-	Floridan	Existing

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

[62-520.600]

- The following parameters shall be analyzed for each monitoring well identified in Permit Condition III.2. Results shall be reported on the permittee's Discharge Monitoring Report in accordance with Condition I.C.3.:

Parameter	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD	Report	ft	In Situ	Annually
pH	Report	s.u.	Grab	Annually
Specific Conductance	Report	umhos/cm	Grab	Annually
Aluminum, Total Recoverable	Report	mg/L	Grab	Annually
Arsenic, Total Recoverable	Report	mg/L	Grab	Annually
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

For piezometers, monitoring and reporting is required only for water level information.

[62-520.600(11)(b)]

- The zone of discharge for the ash pond shall extend horizontally along the ground surface to the facility's property line and vertically from the land surface to the base of the surficial aquifer. [62-520.200(26)] [62-520.465]
- A complete sampling record shall be provided for each monitoring 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 Particle Activity 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.

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8. 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:
 - a. Tables and graphs of water quality data, including hydrographs, for all monitoring wells. Rainfall data should be included with the hydrographs.
 - b. A comparison of water quality results between background well and downgradient wells.
 - c. A summary of all violations of applicable water quality standards.
 - d. Ground water contour maps for each sampling event.
 - e. A discussion of any data that is thought to be inconsistent or suspect.
 - f. A summary of the physical condition of the monitoring system. This should be based on visual observation and sampling records.
9. 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.
10. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., shall be met within the zone of discharge. *[62-520.400 and 62-520.420(4)]*
11. If the concentration for any constituent listed in Condition III.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 background quality shall be the prevailing standard. *[62-520.420(2)]*
12. Water levels shall be recorded before evacuating each well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NAVD allowable) at a precision of plus or minus 0.01 foot. *[62-520.600(11)(c)]*
13. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples. *[62-160.210]*
14. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northwest District Office as being more representative of ground water conditions. *[62-520.310(5)]*
15. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department's Northwest District Office immediately and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence. All monitoring well design and replacement shall be approved by the Department's Northwest District Office prior to installation. *[62-520.600][62-620.320(6)]*
16. All piezometers and monitoring 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 future use is intended. *[62-532.500(4)]*
17. 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.
18. Ground water monitoring test results shall be submitted on Part D of Form 62-620.910(10) in accordance with Condition I.C.3. *[62-520.600(11)(b)]*

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

1. Advisory signs shall be posted around the portion of the industrial site in which reclaimed water is used and at the main entrances to the industrial site to notify employees at the industrial site and the public of the nature of the reclaimed water use. *[62-610.658(1)]*

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2. There shall be readily identifiable "non-potable" or "do not drink" notices, marking, or coding on application/distribution facilities and appurtenances. [62-610.660(2)]
3. When the three-month average daily flow for the most recent three consecutive months exceeds 50 percent of the permitted capacity of the treatment plant or reuse and disposal systems, the permittee shall submit to the Department a capacity analysis report. This initial capacity analysis report shall be submitted within 180 days after the last day of the last month of the three-month period referenced above. The capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. [62-600.405(4)]
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1)]

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The on-site domestic facility shall have a Class D or higher operator 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator for the domestic facility must be a Class D operator, or higher.
3. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings; and
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule.

Action Item	Completion Date
1. Domestic Wastewater Plant Operator Certification	Issuance Date of Permit + 6 months

[62-620.320(6)]

2. The following improvement actions shall be completed according to the following schedule. The Best Management Practices/Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit.

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Action Item	Completion Date
1. Continue implementing the existing BMP3 Plan	Issuance date of permit

[62-620.320(6)]

3. Within six months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the contents of the aquatic organism return plan in accordance with Condition I.A.11 and shall submit the plan to the Department within 12 months of the effective date of this permit. The plan shall be implemented within 24 months subsequent to approval by the Department.
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 Condition III.8.

VII. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

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 Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (9) "BMP3" means a Best Management Practices Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.

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(10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. 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.

a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the 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 permit issuing authority 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
- (5) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.

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 loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 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
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

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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 should 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 developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the WMA which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.

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 permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.
- (3) A timetable for the various plan requirements follows:

Timetable for BMP3 Plan Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
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.

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VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

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

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

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

[62-620.625(1)]

C. Impoundment Design, Construction, Operation, and Maintenance

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

D. Impoundment Integrity Inspections

1. All ash pond dikes and toe areas shall be periodically inspected by qualified personnel with knowledge and training in impoundment integrity. The term qualified personnel means personnel having successfully completed

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the Mine Safety and Health Administration Qualification for Impoundment Inspection course in addition to the Annual Retraining for Impoundment Qualification, or equivalent courses. Additional inspections by qualified personnel shall be done within 7 days after large or extended rain events (i.e. 10-year, 24-hour precipitation event).

2. No later than January 31, 2011, and annually thereafter, a qualified, responsible officer 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 twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule within fifteen (15) days after notifying the Department. Changes such as significant increases in seepage or seepage carrying sediment may be signs of imminent impoundment failure and should be addressed immediately.
3. 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 most recent physical survey conducted 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 prior to the expiration date 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.
4. Inspections shall, at a minimum, include observations of dams, dikes and toe areas for erosion, cracks or bulges, seepage, wet or soft soil, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as overly lush, dead or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity. The findings of each inspection shall be documented in a written inspection report.
5. *Remediation Measures.* Within 24 hours of discovering changes that indicate a potential compromise to the structural integrity of the impoundment, the permittee shall begin procedures to remediate the problem. Changes such as significant increases in seepage or seepage carrying sediment may be signs of imminent impoundment failure and should be addressed immediately.

Other issues which may have long term impacts on integrity, such as trees growing on the impoundment or vegetation blocking spillways, shall be cleared within thirty (30) days of first observation.

E. Reporting and Recordkeeping Requirements for Impoundments

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

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F. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (**Month, Day, Year**) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the permittee has made complete the application for renewal of this permit before the permit expiration date.
- [62-620.335(1)-(4), F.A.C.]*
2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either
 - a. Within thirty days after the permittee has received a notice; or
 - b. Within thirty days after final agency action.

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

G. Reopener Clauses

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

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

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation, monitoring requirement, or more stringent requirements or any applicable standards pertaining to the operation and maintenance of coal combustion waste impoundments.
3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.
4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1)]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or

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conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]

3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9)]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]

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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)]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12)]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13)]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14)]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16)]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17)]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being

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measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.

- e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
- f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

[62-620.610(18)]

- 19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]

- 20. The permittee shall report to the Department's 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 treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's 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)]

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

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1 through 3 of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Janet G. Llewellyn
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