

July 15, 2010

Mr. Marc Harris
Florida Department of Environmental Protection
Bureau of Water Facilities Regulation
Industrial Wastewater Section
Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400



RECEIVED

JUL 16 2010

**Industrial Wastewater
Section**

OVERNIGHT MAIL

**RE: Notice of Draft Permit – Comments
Gulf Power Company- Scholz Electric Generating Plant
NPDES Permit No. FL0002283**

Dear Mr. Harris:

On June 17, 2010, Gulf Power received the Notice and Draft Permit for the above-reference facility. The Notice requested comments on the Draft Permit within 30 days of receipt of the Permit. Gulf Power has reviewed the Draft Permit and is providing comments as Attachment 1 to this cover.

Please feel free to contact Susan Kennedy at (850) 444-6153 of my staff if you have any questions or need any additional information

Sincerely,

James O. Vick
Environmental Affairs
Attachment

Cc: Bill Armstrong – FDEP, Pensacola

Cc (email): Kenny Peacock – Scholz Plant
Jora Maxwell – Scholz Plant
Mike Markey – Gulf Power
Kevin Beaty – Gulf Power

ATTACHMENT 1
SCHOLZ NPDES PERMIT #FL0002283
GULF POWER COMMENTS
JULY 15, 2010

1. Page 2, Condition I.A.1. Remove the following parameters:

Temperature, Water (Deg C)	Nitrogen, Ammonia Total (as N)
Ammonia, Total Unionized (as NH3)	Nitrogen, Kjeldahl, Total (as N)
Nitrite plus Nitrate Total 1 det.(as N)	Nitrogen, Total
Phosphorus, Total (as P)	Phosphate, Ortho (as PO4)

The Department states that the basis for these requirements is to provide a baseline for nutrient contribution of the facility's discharge to the water body. This facility does not contribute nutrients in significant concentrations to the receiving water body as illustrated in the information provided in the 2CS application. Nor does Gulf Power know of any process at the facility which would contribute nutrients in significant concentrations. Therefore, this requirement to monitor nutrients quarterly is unnecessary and overly burdensome.

2. Page 2, Condition I.A.1. Please insert, "COMBINED PLANT DISCHARGE" following "Outfall D-001" in the first sentence of this Condition. Page 6, Condition I.B.1. Please insert "ASH POND DISCHARGE" following "from I-012," in the first sentence of this Condition. Page 7, Condition I.B.3. Please insert "DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT" following "from I-013," in the first sentence of this Condition. Adding this language would clarify the Outfall numbers and is consistent with the previous permit.
3. Page 2, Condition I.A.1. Please add INT-1 to Sample Type for the following Parameters:

Copper, Total Recoverable
Cadmium, Total Recoverable
Lead, Total Recoverable
Iron, Total Recoverable
Mercury, Total Recoverable

Adding INT-1 to the Sample Type is consistent with the previous permit and is necessary to comply with Condition I.A.4.

4. Page 4, Condition I.A.12. Remove this condition because it relates to the comment 1 above and is not necessary.
5. Page 8, Condition I.C.2. Remove this condition. It is repeated as condition I.C.6.

6. Page 10, Condition I.C. 14. Remove the reference, "Unit 8 cooling tower" and replace with "Unit 1 and 2 cooling water systems." Scholz does not have a Unit 8 or a cooling tower. This appears to be a typographical error.
7. Page 10, Condition I.C.14. Replace the Chemical Name "Ammonia" with "Ammonium Hydroxide."
8. Page 10, Condition II.A.4. This Condition references Chapter 62-701, F.A.C. There is not a solid waste management unit/ landfill at this facility. Therefore, it is not regulated by Chapter 62-701, F.A.C. This reference is not applicable and should be removed.
9. Page 12, Condition III.3. This Conditions lists the Monitoring Frequency as "annually" for Alpha, Gross Particle Activity and Radium 226 + Radium 228, Total. This Frequency should be changed to "once every 5 years." The "once every 5 years" frequency is consistent with the previous permit and appropriate for this facility.
10. Page 13, Condition IV. 1. Remove this condition. Reclaimed water is reused at this site and signage requirements should not be applicable.
11. Page 14, Condition IV.2. Remove this condition. There are no reclaimed water application or distribution facilities/appurtenances at this facility. Therefore, signage requirements are not applicable.
12. Page 18, Section VIII.B. Specific Conditions Related to Existing Manufacturing, Commercial Mining, and Silviculture Wastewater Facilities or Activities. These activities are not applicable to this facility and this Section should be removed.
13. Page 18, Condition VIII.C.1 This condition states that "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 water of the State, except as authorized under this permit." Condition IX.7 states, "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 the permit... [62-620.610(7).]" Condition IX.7 is more appropriate because it is referenced in Department rules and is more stringent than Condition VIII.C.1. Therefore Condition VIII.C.1 should be removed.
14. Page 18, Condition VIII.C.2. This condition states, "Design, construction, operation and maintenance of any impoundment shall be in accordance with all relevant State and Federal regulations..." To Gulf Power's knowledge, there are no relevant State and Federal regulations governing the design, construction, operation and maintenance of this facility's impoundment. With no relevant regulations, Gulf also questions the need for a "qualified, Florida-registered professional engineer." This condition also references, "permitted and inspected by the appropriate agency." To Gulf Power's

knowledge, there are not regulations or laws dictating the “appropriate agency.” Based on these comments, Gulf requests that Condition VIII.C.2 be removed.

15. Page 18, Condition VIII.D.1. This condition states that “The term qualified personnel means personnel having successfully completed the Mine and Safety and Health Administration Qualification for Impoundment course in addition to the Annual Retraining for Impoundment Qualification or equivalent courses.” Gulf Power is unaware of any regulation in Florida Statutes that requires that qualified personnel complete the course or retraining reference in the previous sentence. Gulf Power does not disagree that the person should be qualified, but that the MSHA course and retraining is unnecessary. Gulf requests that the second sentence in Condition VIII.D.1 be removed.
16. Page 19, Condition VIII.D.4. This condition outlines inspection procedures and requests that “the findings of each inspection shall be documented in a written inspection report.” Gulf Power is required via Condition VIII.D.2 to “certify that no breaches or structural defects” were observed during the previous year and submit this certification annually. Also, via Condition VIII.D.3, Gulf Power must also submit annual certification that the “ash pond provides the necessary minimum wet weather detention volume...” Because Gulf Power submits these reports annually to the Department via existing conditions, the requirement in VIII.D.4 to document findings in a “written inspection report” are unnecessary and requests that the last sentence from this Condition be removed.
17. Page 19, Condition VIII.D.5. This condition states, “Within 24 hours of discovering changes that indicate a potential compromise to the structural integrity...the permittee shall begin procedures to remediate the problem...” Condition VIII.D.2 states, “In the event that such defect(s) exist and result 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.” This language in Condition VIII.D.2 is more stringent than the language in Condition VIII.D.5.

In addition, Condition VIII.D.5 also states, “Other issues which may have long term impacts to integrity...shall be cleared within thirty days...” General Condition IX.5 states, “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. Gulf Power believes that this language in Condition VIII.D.5 is already covered by Condition IX.5.

Based on these comments, all of Condition VIII.D.5 should be removed.

18. Page 19, Condition VIII.E. 1. This Condition states, “Within 5 days of discovering any changes in the impoundment that indicate a potential compromise to the structural integrity, the permittee must notify the NPDES Permitting Authority in writing

describing the findings of the inspection, corrective measures taken, and expected outcomes.” General Condition IX.20 states, “The permittee shall report to the Department...any noncompliance which may endanger health or environment...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.” General Condition IX.20 is more stringent than Condition VIII.E.1, therefore Condition VIII.E.1 should be removed.

19. Page 19, Condition VIII.E.2. This Condition requires “The permittee shall submit an annual report to the NPDES Permitting Authority summarizing findings of all monitoring activities, inspections, and remediation measures pertaining to the structural integrity, design, construction, and operation and maintenance of all impoundments. Condition VIII.D. 2 and 3 both require annual submittals regarding structural integrity and wet weather detention volume certifications. Therefore, the annual report requirement in Condition VIII.E.2 is redundant and should be removed.
20. Page 19, Conditions VIII.E. 3 and 4. These Conditions state that “records of all impoundment inspections” and “pertinent impoundment permits, design, construction, operations...” shall “be kept on site and made available to the Department or Federal inspectors upon request.” Because of the age of this facility and the potential difficulty in finding and supplying upon request all documentation relating to the impoundment, Gulf Power request that these conditions be limited to documentation, information, etc. created after the issuance date of the permit. Gulf Power also requests a statement be added such as, “Copies of all reports, documentation, information, etc. listed in this condition be maintained for at least three years from the date the reports, documentation, information, etc. was prepared.” This statement is consistent with Federal and State requirements as well as other conditions in the permit.