

CHAPTER 62-620 WASTEWATER FACILITY AND ACTIVITIES PERMITTING

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PART I GENERAL

62-620.100 Scope/Applicability/References.

(1) Scope. This chapter sets forth the procedures to obtain a permit to construct, modify, or operate a wastewater facility or activity which discharges wastes into waters of the State or which will reasonably be expected to be a source of water pollution. It also includes requirements and procedures for establishing permit limitations and conditions, issuance or denial of a permit, extension, renewal or revision of a permit, suspension or revocation of a permit, and transfer of a permit to a new owner. It contains requirements for monitoring and reporting after the permit is issued, and lists the forms needed to apply for a permit and to report the results of testing and monitoring required by this chapter.

(2) Applicability.

(a) Where there are conflicts with other existing specific or general rules of the Department, the requirements and procedures set forth in this chapter shall supersede all other procedures and requirements for wastewater facilities or activities.

(b) Requirements in this chapter shall apply to domestic or industrial wastewater facilities which discharge wastes into waters or which can reasonably be expected to be a source of pollution.

(c) The permitting procedures of this chapter apply to stormwater discharges regulated under Section 403.0885, F.S. It is the intent of this chapter as to stormwater discharges to implement the substantive requirements of the Federal NPDES stormwater program.

(d) The requirements of this chapter are in addition to and not in lieu of the requirements of Part IV of Chapter 373, F.S.

(e) This chapter does not apply to septic tank drainfield systems and other on-site sewage treatment and disposal systems with subsurface disposal if:

1. The system serves the complete wastewater needs of an establishment with a design capacity of 10,000 gallons per day or less of domestic wastewater, or
2. The system serves the complete wastewater needs of a commercial establishment with a design capacity of 5,000 gallons per day or less of commercial wastewater.

(f) For information purposes, the systems included in paragraph (e) of this section are permitted by the State of Florida Department of Health in accordance with the requirements of Chapter 64E-6, F.A.C. For these systems the Department shall use subsection 64E-6.008(1), F.A.C., for determining the estimated volume of sewage from an establishment.

(g) This chapter does not apply to permitting of wastewater collection systems and transmission facilities.

(h) This chapter applies to discharges from mobile point sources such as seafood processing rigs, seafood processing vessels, aggregate plants, oil and gas exploratory drilling rigs, or oil and gas developmental drilling rigs. It does not apply to discharges of sewage from vessels regulated by the U.S. Coast Guard under section 312 of the CWA.

(i) For wastewater facilities which have both an existing Federal NPDES permit for which the Department has been granted administrative authority and an existing Department-issued permit for the same discharge to surface waters, the Department shall, after the implementation of this rule, revise those permits by issuing a letter to the permittee combining the two permits into one Department-issued permit. The letter revising the permits shall change the issuing agency name, include DEP Form 62-620.910(10) for reporting monitoring information, contain an expiration date for the combined permit, incorporate all of the permit conditions of both permits, and state that if there are conflicts between permit conditions, the more stringent condition shall supersede the less stringent. The existing permits shall be revised as follows:

1. If the permittee has either, but not both, a Department-issued construction or operating permit, the expiration date of the combined permit shall be based on the earlier of the two expiration dates of the Department or the Federal NPDES permit.
2. If the permittee has a Department-issued temporary operating permit, the letter combining the permit conditions of both permits shall include as an enclosure an Administrative Order setting forth the schedule for compliance with the permit conditions.
3. If the permittee has both a Department-issued construction permit and a Department-issued operating permit, the letter shall combine the Federal NPDES and the Department operating permit conditions and establish the expiration date using the earlier of the dates from the Federal NPDES or the Department operating permit. The existing construction permit shall remain in effect until it expires and shall not be renewed or reissued.

(j) For wastewater facilities which have a Federal NPDES permit only, the Department shall, after implementation of this rule, revise the permit by issuing a letter to the permittee. The letter revising the permit shall change the name of the issuing agency and include DEP Form 62-620.910(10) for reporting monitoring information to the Department.

(k) On the date this rule is implemented, applications for renewal of permits to discharge wastes into surface waters which have been filed prior to the implementation date with either EPA or the Department shall be processed as follows:

1. If the application is for renewal of an existing Federal NPDES permit, the Department shall, within 60 days of the implementation date of this rule, send a letter to the permittee requesting payment of the application processing fee set forth in Rule 62-4.050, F.A.C., unless there is pending an application for renewal of a Department permit for which the fee has been paid. On receipt of the application processing fee the Department shall process the application in accordance with Rule 62-620.510, F.A.C., and shall request additional information necessary to meet the requirements of this chapter. The Department shall not require the applicant to submit a new application form under this chapter.

2. If the application is for renewal of an existing Department permit, the Department shall, within 60 days of the implementation date of this rule, send a letter to the permittee advising him to amend his application for renewal to meet the requirements of this chapter. The Department shall not require the applicant to submit a new application form under this chapter. However, the applicant shall provide additional information requested by the Department in accordance with Rule 62-620.510, F.A.C., to meet the requirements of this chapter.

3. The existing Federal NPDES permit and Department-issued permit, for which application for renewal was timely, shall remain in effect, as revised under paragraph (i) of this section, until processing has been completed on the renewal in accordance with Rule 62-620.335, F.A.C., and this subsection.

(l) If a pending application is for the initial issuance or substantial revision of a Federal NPDES permit, the Department shall follow the procedures set forth in subparagraph (k)1. above and the application shall be processed under this chapter. If a pending application is for the initial issuance or substantial revision of a Department permit, the Department shall follow the procedures set forth in subparagraph (k)2. above and the application shall be processed under this chapter. In either case, the Department shall not require the applicant to submit a new application form under this chapter.

(m) A permit authorizing a discharge solely to ground water shall remain in effect until the expiration date in the permit. If a permit application is being processed on the date this rule is implemented, the Department shall follow the procedures set forth in subparagraph (k)2. above and the application shall be processed under the requirements of this chapter. The Department shall not require the applicant to submit a new application form under this chapter.

(n) If an application for renewal of a permit is filed in accordance with Rule 62-4.090, F.A.C., within 180 days of implementation of this rule chapter, it shall be deemed to be a timely application for the purposes of the existing permit remaining in effect until processing has been completed on the application under Rule 62-620.335, F.A.C.

(o) Conditional exclusion for “no exposure” of industrial activities and materials to stormwater. Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to precipitation and/or runoff, and the discharger satisfies the conditions in subparagraphs (o)1. through (o)3. of this section. “No exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

1. Qualification. To qualify for this exclusion, the operator of the discharge must:

a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to precipitation and runoff;

b. Submit to the Department a completed and signed Form 62-620.910(17), entitled “No Exposure Certification for Exclusion from NPDES Stormwater Permitting,” certifying that there are no discharges of stormwater contaminated by exposure to industrial materials and activities from the entire facility, except as provided in subparagraph (o)2. of this section. The completed and signed Form 62-620.910(17), and certification fee as required by subparagraph 62-4.050(4)(d)3., F.A.C., must be submitted to: Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;

c. Renew the certification every 5 years by filing a new completed and signed Form 62-620.910(17), and certification fee as required by subparagraph 62-4.050(4)(d)3., F.A.C., to the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, upon the expiration of each 5 year interval.

d. Allow the Department or its agents to inspect the facility to determine compliance with the “no exposure” conditions; and

e. For facilities that discharge through a Municipal Separate Storm Sewer System (MS4), submit a copy of the certification of “no exposure” to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

2. Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, storm resistant shelter is not required for:

a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);

b. Adequately maintained vehicles used in material handling; and

c. Final products, other than products that would be mobilized in stormwater discharge (e.g., rock salt).

3. Limitations. This conditional exclusion from stormwater permitting under this chapter and/or Chapter 62-621, F.A.C., is not available:

a. For stormwater discharges from construction activities;

b. For individual outfalls. The exclusion is available on a facility-wide basis only;

c. If circumstances change and industrial materials or activities become exposed to precipitation and/or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally excluded discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances; and

d. Notwithstanding the provisions of this paragraph, the Department retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes or contributes to the violation of an applicable water quality standard, including designated uses.

(3) References. The Department adopts and incorporates by reference the following sections of Title 40 of the Code of Federal Regulations (CFR) revised as of February 10, 2006, and the Department Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated 7-10-06. Copies of these documents may be obtained by writing the Department of Environmental Protection, Bureau of Water Facilities Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400.

(a) 40 CFR Part 122, Appendix A, which lists the NPDES primary industry categories.

(b) 40 CFR Part 122, Appendix D, which contains NPDES permit application testing requirements.

(c) 40 CFR Part 125, subpart G, which contains the criteria for requesting a modification of secondary treatment requirements under section 301(h) of the Clean Water Act.

(d) 40 CFR Part 125, subpart D, which contains the criteria and standards for determining fundamentally different factors under sections 301(b)(1)(A), 301(b)(2)(A) and (E) of the Clean Water Act.

(e) 40 CFR Part 125, subpart C, which contains the criteria for extending compliance dates for facilities installing innovative technology under section 301(k) of the Clean Water Act.

(f) 40 CFR Part 125, subpart H, which contains the criteria for determining alternative effluent limitations under section 316(a) of the Clean Water Act.

(g) 40 CFR 133.102(a)(4) and (b), which contains the level of effluent quality required for Carbonaceous Biochemical Oxygen Demand (CBOD₅) and for Suspended Solids, which for purposes of this rule means Total Suspended Solids (TSS).

(h) 40 CFR Part 125, subpart A, which contains guidelines for using best professional judgment to develop technology-based effluent limitations on a case-by-case basis.

(i) 40 CFR 122.26, which contains criteria and guidance for permitting of stormwater discharges.

(j) 40 CFR 136, which contains guidelines for establishing test procedures for the analysis of pollutants.

(k) 40 CFR 401.15, which contains the list of toxic pollutants promulgated under the section 307(a)(1) of the CWA.

(l) 40 CFR 122.21(g)(7), solely for the purpose of and only those portions that allow establishment of site-specific sampling procedures for stormwater discharges.

(m) 40 CFR 122.44(k), which contains guidelines for requiring best management practices (BMPs) for facilities and activities regulated under Section 403.0885, F.S.

(n) 40 CFR 122.28(b)(3), which contains certain criteria for requiring individual permits.

(o) 40 CFR 124.66, which contains special procedures for decisions on thermal variance under section 316(a) of the CWA.

(p) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., 7-10-06.

(q) For the special case of open ocean dischargers, 40 CFR 133.103(d), which contains the authorization to substitute a lower percent removal requirement or mass loading limit for BOD and TSS limitations for otherwise applicable requirements.

(r) 40 CFR 122.21(a)(1), solely for the purpose of establishing a duty for concentrated animal feeding operations to apply for a permit.

(s) 40 CFR 122.21(i)(1), containing permit application requirements for concentrated animal feeding operations.

(t) 40 CFR 122.23(a) through (f), containing permit coverage requirements, determinations, and definitions for concentrated animal feeding operations.

(u) 40 CFR 122.23(g)(1) through (2), containing due dates for the submission of permit applications for concentrated animal feeding operations, except that the due date shall be December 31, 2004 for dairies and July 31, 2007 for all other facilities addressed in 122.23(g)(2).

(v) 40 CFR 122.23(g)(3) through (6), containing due dates for the submission of permit applications, except that the due date shall be December 31, 2004 for dairies and July 31, 2007 for all other facilities addressed in 122.23(g)(3)(iii).

(w) 40 CFR 122.42(e) containing additional conditions that apply to concentrated animal feeding operation NPDES permits.

(x) 40 CFR 125.122 which contains the determination of unreasonable degradation of marine environment.

(y) 40 CFR part 125 subpart I, containing requirements applicable to cooling water intake structures for phase I new facilities under section 316(b) of the Clean Water Act.

(z) 40 CFR part 125 subpart J, containing requirements applicable to cooling water intake structures for phase II existing facilities under section 316(b) of the Clean Water Act.

(aa) 40 CFR part 122.21(r), containing application requirements for facilities with cooling water intake structures.

(4) When used in any of the sections adopted from Title 40 of the Code of Federal Regulations (CFR) the following shall apply:

(a) EPA shall mean the Department; and

(b) Regional Administrator, Director or State Director shall mean the Secretary of the Department or the Secretary's designee where appropriate.

Specific Authority 403.061, 403.087, 403.0885 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 3-2-00, 10-22-00, 10-23-00, 6-1-01, 8-25-03, 12-8-03, 12-23-04, 2-7-06, 3-13-06, 6-19-06, 7-10-06.

62-620.200 Definitions.

The following words and phrases when used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) “Activity” means any action which results in a discharge of wastes into waters of the State or that is reasonably expected to be a source of water pollution.

(2) “Annual average discharge limitation” means the maximum annual average pollutant value allowed by the permit and calculated as the arithmetic mean of the 12 monthly average reclaimed water or effluent samples collected during any consecutive 12-month period.

(3) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, residuals, industrial sludge or waste disposal, or drainage from raw material storage.

(4) “Bypass” means the intentional diversion of waste streams from any portion of a treatment works.

(5) “CFR” means the Code of Federal Regulations.

(6) “Commercial wastewater” means non-toxic, non-hazardous wastewater from commercial facilities which is usually similar in composition to domestic wastewater, but which may occasionally have one or more of its constituents exceed typical domestic ranges. Included in this definition are wastewaters from commercial and institutional food service operations, commercial laundry facilities with no more than four washing machines, animal holding facilities (such as kennels, veterinary hospitals, and animal grooming facilities), and beauty salons, provided that toxic, hazardous, or industrial wastes are not introduced into the system.

(7) “Continuous discharge” means 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.

(8) “Co-permittee” means a permittee to a wastewater permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

(9) “CWA” means the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., in existence on January 1, 1993.

(10) “Daily discharge” means the discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

(11) “Demineralization Concentrate” means the concentrated byproduct water, brine, or reject water produced by ion exchange or membrane separation technologies such as reverse osmosis, membrane softening, ultra-filtration, membrane filtration, electrodialysis reversal used for desalination, softening, or reducing total dissolved solids during water treatment for public water supply purposes. This definition does not include reject discharged from membrane separation technologies used to produce water for industrial purposes which may also produce drinking water as an ancillary activity.

(12) “Department” means the State of Florida Department of Environmental Protection.

(13) “Discharge of a pollutant” means any addition of any pollutant or combination of pollutants, as defined in 40 CFR 122.2, to waters from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters from surface runoff which is collected or channeled by man, and discharges through pipes, sewers, or other conveyances which do not lead to a treatment works. This term does not include an addition of pollutants by any indirect discharger.

(14) “Discharge of wastes” means the introduction or addition to waters of sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances that may pollute or tend to pollute any waters of the State. The term includes the discharge of a pollutant and the discharge of stormwater regulated under Section 403.0885, F.S.

(15) “Discharge point” means the outlet, structure, or designated location through which effluent is discharged to ground water.

(16) “Domestic wastewater” means wastewater derived principally from dwellings, business buildings, institutions, and the like, commonly referred to as sanitary wastewater or sewage. When industrial wastewater is combined with domestic wastewater for treatment, determination of whether the treatment plant is designated as domestic shall be in accordance with the definition of domestic wastewater provided in Rule 62-600.200, F.A.C.

(17) “Draft permit” means a document prepared under Rule 62-620.510, F.A.C., indicating the tentative decision of the Department to issue or deny, revise, revoke and reissue, terminate, or reissue a permit. Notices of intent to terminate a permit and to deny a permit are types of “draft permits.” A denial of a request for revision, revocation and reissuance, or termination is not a “draft permit.” A “proposed permit” is not a “draft permit.”

(18) “Effluent limitation” means any restriction established by the Department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents which are discharged from sources into waters of the State.

(19) “EPA” means the U.S. Environmental Protection Agency.

(20) “General permit” means a permit issued by rule of the Department under Section 403.814, F.S., which authorizes a person to undertake certain activities, which when performed in accordance with the specific requirements and practices set forth in the general permit have a minimal adverse environmental effect.

(21) “Industrial sludge” means the accumulated solids, residues, and precipitates generated as a result of industrial wastewater treatment.

(22) "Industrial wastewater" means process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing, and all other wastewater not otherwise defined as domestic wastewater.

(23) "Major facility" means any NPDES facility or activity classified as such by EPA with the concurrence of the Department.

(24) "Minor modification" means a modification to the facility or activity which is not expected to lead to a substantially different environmental impact or which will not involve a substantially different type of wastewater, residuals, or industrial sludge treatment, or reuse or disposal system. A minor modification does not substantially change the characteristics of the effluent, reclaimed water, residuals or industrial sludge nor does it change the permitted capacity of the treatment or reuse or disposal system. For domestic wastewater facilities, it includes construction to replace a unit operation or process structure, and construction to a unit operation or mechanical equipment which is not associated with routine facility maintenance.

(25) "Minor revision" means a change to the permit conditions, including any decrease or increase in staffing requirements or monitoring frequencies, correction of minor errors or typographical mistakes, transfer of a permit to a new owner, extension of compliance dates or construction schedules, deletion of outfalls or discharge points, incorporation of an approved pretreatment program by reference, or authorization of a minor modification to a facility or activity.

(26) "Modification" means the alteration, expansion, upgrade, extension, replacement of, or addition to an existing wastewater facility or activity. "Modification" does not include, and no permit revision is required for:

(a) Structural changes to an existing wastewater facility or activity, site or plant, that do not change the quality, nature, or quantity of the discharge of wastes or that do not cause water pollution; or

(b) Construction, replacement, or repair of components of an industrial site or plant which does not change the permitted treatment works or the terms and conditions of the wastewater permit.

(27) "Monthly average discharge limitation" means the maximum monthly average pollutant value allowed by the permit and calculated as the arithmetic mean of each reclaimed water or effluent sample collected on a separate day during a period of 30 consecutive days.

(28) "New discharger" means any building, structure, facility, or installation:

(a) From which there is or may be a discharge of wastes to surface waters;

(b) That did not commence the discharge at a particular site prior to August 13, 1979;

(c) Which is not a "new source" as defined in subsection (29) in this section; and

(d) Which has never received a finally effective NPDES permit for discharges to surface waters at that site.

(e) This definition includes: an industrial discharger to a POTW which commences discharging into waters after August 13, 1979; an existing mobile point source such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences discharging after August 13, 1979, at a site under Department jurisdiction for which it is not covered by an individual or a general permit.

(29) "New source" means any building, structure, facility, or installation from which there is or may be a discharge of wastes to surface water, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of the Clean Water Act which are applicable to such source, or

(b) After proposal of standards of performance under section 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated within 120 days of their proposal.

(30) "Non-NPDES Generic Permit" means a type of general permit issued by rule of the Department under the authority of Section 403.087, F.S., which may be issued by the Department to regulate a category of wastewater facilities or activities if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal; require the same or similar monitoring; and are more appropriately controlled under a generic permit than an individual permit.

(31) "Non-process wastewater" means water that does not come into direct contact with or does not result from the production or use of any raw material, intermediate product, finished product, by-product, waste product or wastewater. It includes sanitary wastes, restaurant or cafeteria wastes, and non-contact cooling water used only to reduce temperature.

(32) "NPDES" means National Pollutant Discharge Elimination System.

(33) "NPDES Generic Permit" means a type of general permit issued by rule of the Department in accordance with subsection 62-620.710(3), F.A.C., under the authority of Section 403.0885, F.S., (general permit under 40 CFR 122.28) which may be issued by the Department to regulate a category of wastewater facilities or activities if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal; require the same or similar monitoring; and are more appropriately controlled under a generic permit than an individual permit.

(34) "Outfall" means the outlet, structure, or designated location through which effluent is discharged to surface water.

(35) "Permittee" means the owner, operator or other entity to which a permit for a wastewater facility or activity is issued by the Department. The term "permittee" shall be functionally synonymous with the terms "owner," "contractor," and "licensee," but shall not include licensed individuals, such as State certified operators, unless they are the persons to whom a facility permit is issued by the Department. The term shall extend to a permit "applicant" for purposes of this chapter.

(36) "Pollution" is as defined in Section 403.031, F.S.

(37) “Point source” means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(38) “Process wastewater” means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(39) “Proposed permit” means a permit prepared after the close of the public comment period and, when applicable, after any public meeting, which is sent to EPA for review before final issuance by the Department. A “proposed permit” is not a “draft permit.”

(40) “Publicly owned treatment works” (“POTW”) means any device or system used in the treatment, including recycling and reclamation, of domestic sewage or industrial wastes of a liquid nature which is owned by the State, a county, or a municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

(41) “Recommencing discharger” means a source which recommences discharge after terminating operations.

(42) “Residuals” means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater. Not included are solids removed from pump stations and lift stations, septage, and screenings and grit removed from the headworks of domestic wastewater treatment facilities and other solids as defined in Chapter 62-640, F.A.C. Also, not included is ash generated during the incineration of residuals.

(43) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(44) “Sewage from vessels” means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under section 312 of CWA.

(45) “Sewage sludge” means residuals.

(46) “Silvicultural facilities or activities” means any discernible, confined and discrete conveyances related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silviculture and from which pollutants are discharged into waters. The terms do not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. As used in this definition, rock crushing and gravel washing facilities mean facilities which process crushed and broken stone, gravel and riprap. Log sorting or log storage facilities, as used in this definition, mean facilities whose discharges result from the holding of unprocessed wood, logs or roundwood with or without bark, held in self-contained mill or log ponds or stored on land where water is applied intentionally on the logs.

(47) “Small Water Utility Business” means any facility that distributes potable water to two or more customers and discharges demineralization concentrate at a flow rate less than 50,000 gallons per day.

(48) “Stormwater Discharge Associated with Industrial Activity” is as defined in 40 CFR 122.26(b)(14).

(49) “Substantial modification” means a modification to the facility or activity which is reasonably expected to lead to a substantially different environmental impact or which involves a substantially different type of wastewater, residuals or industrial sludge treatment, reuse or disposal system. A substantial modification includes changes in the characteristics of the effluent, reclaimed water, residuals, or industrial sludge; changes to the location of the discharge; or changes to the permitted capacity of the treatment, or reuse or disposal system. A substantial modification requires filing an application for a substantial revision to a permit.

(50) “Substantial revision” means a change in the permit conditions in response to a substantial modification to the facility or activity, to changes in the effluent limitations, to the granting of a variance pursuant to Part VI of this chapter, or to a demonstration of good cause in accordance with subsection 62-620.325(1), F.A.C.

(51) “Toxic pollutant” means any pollutant listed as toxic in 40 CFR 401.15.

(52) “Treatment works” means any treatment plant or other works used for the purpose of treating, stabilizing, or holding wastes.

(53) “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.

(a) 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.

(b) 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.

(54) “U.S.” means United States.

(55) “Wastewater facility” or “facility” means any facility which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility.

(56) “Waters” means those waters defined in Section 403.031, F.S.

(57) “Weekly average discharge limitation” means the maximum weekly average pollutant value allowed by the permit and calculated as the arithmetic mean of each reclaimed water or effluent sample collected on a separate day during a period of seven consecutive days.

(58) “Whole Effluent Toxicity (WET)” means the aggregate toxic effect of an effluent measured directly by a toxicity test.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.031, 403.051, 403.061, 403.087, 403.088, 403.0882, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04, 7-10-06.

62-620.300 General Prohibitions.

(1) No person shall discharge wastes to waters without a permit from the Department, unless exempted by Department rule or statute.

(2) No wastewater facility or activity which discharges wastes into waters or which will reasonably be expected to be a source of water pollution shall be operated, constructed, or modified without an appropriate and valid permit issued by the Department, unless exempted by Department rule. However, the exemption provided in paragraph 62-4.040(1)(b), F.A.C., shall not apply to discharges of wastes into surface waters regulated under this chapter pursuant to Section 403.0885, F.S.

(3) No discharge of wastes shall commence before a permit is obtained. Except as otherwise provided in paragraphs (a) and (b), the Department permit shall be obtained before commencement of construction or modification of the wastewater facility or activity.

(a) For a wastewater facility or activity permitted to discharge wastes into surface waters under this chapter pursuant to Section 403.0885, F.S., only the portion of the proposed construction or modification of the wastewater facility or activity that relates solely to a discharge of wastes into surface water may be constructed or modified before a permit is issued.

1. Any portion of the wastewater facility or activity which relates to the discharge of wastes into ground water, or which relates to reuse or disposal of reclaimed water shall not be constructed or modified without a wastewater permit.

2. A wastewater permit revision shall be obtained before modifications begin on any part of the facility or activity which will be in operation during the modification.

3. For modifications which relate solely to the discharge of wastes into surface water and which will only affect the treatment works or the quantity, nature or quality of the discharge when placed in operation, a permit revision shall be obtained before placing the modifications in operation.

(b) Power plants described under 40 CFR 423, insofar as they are not certified under the Florida Electrical Power Plant Siting Act, may initiate construction of modifications that relate to the discharge of wastes to both ground and surface water without a permit revision if the modifications do not affect the treatment works or the quantity, nature, or quality of the discharge until the modifications are placed in operation. A wastewater permit revision shall be obtained before placing these modifications into operation. This subsection shall not be construed to affect the regulatory status of, or create new requirements for, other industrial or domestic facilities or activities.

(4) No person shall discharge into waters any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them.

(5) A permitted wastewater facility or activity shall not be operated, maintained, constructed, expanded, or modified in a manner that is inconsistent with the terms of the permit.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 10-23-00.

62-620.301 General Provisions.

(1) Any person intending to discharge wastes into waters shall apply to the Department for the appropriate permit required by this chapter.

(2) For purposes of enforcement, compliance with a permit issued under this chapter constitutes compliance with the applicable provisions of Chapter 403, F.S. However, the Department shall not be precluded from instituting enforcement actions as indicated in subsection 62-650.300(4), F.A.C. For purposes of enforcement, compliance with a permit issued under this chapter pursuant to the authority of Section 403.0885, F.S., constitutes compliance with sections 301, 302, 306, 307, 318, 402 and 403 of the Clean Water Act, except for:

(a) Any effluent standards and prohibitions for toxic pollutants imposed under 40 CFR Part 129; and

(b) Standards for residuals use or disposal under 40 CFR Part 503.

(3) A permit may be revised, revoked and reissued, or terminated in accordance with Rules 62-620.325, 62-620.340, or 62-620.345, F.A.C. A permit may be renewed in accordance with Rule 62-620.335, F.A.C.

(4) To the extent that this chapter imposes duties for the construction, operation, maintenance, or monitoring of a facility, for reporting facility operations, or for securing permits from the Department, responsibility lies with the permittee and the owner of the facility. Nevertheless, Section 403.141, F.S., creates joint and several liability for those responsible for violations.

(5) Consultation. The applicant, or his agent, is encouraged to consult with Department personnel before submitting an application, or at any other time concerning the operation, construction, or modification of any facility or concerning the required pollution control devices or system, the efficiency of such devices or system, or any pollution problems related to the facility. However, any representation by the Department shall not relieve any person from any requirement of State or Federal law.

(6) Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility to guarantee compliance with Chapter 403, F.S., and Department rules. Proof of financial responsibility, such as posting an appropriate bond, shall be required only if the applicant's compliance record or financial inability to comply with permit conditions results in a lack of reasonable assurance that all applicable Department standards will be met.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 10-23-00.

62-620.302 Confidentiality of Information.

(1) In accordance with Chapter 119, F.S., all information and documents submitted to the Department with an application are considered to be public information and as such are available for reading and copying. However, applicants for permits under Section 403.088, F.S., may make a claim of confidentiality pursuant to Section 403.111, F.S., and applicants for permits under Section 403.0885, F.S., may make a claim of confidentiality under 40 CFR 122.7. In both instances, an applicant may claim as confidential any information which relates to secret processes or secret methods of manufacture or production, or which relate to costs of production, profits or other financial information which is otherwise not public record. The applicant may consult with the Department before submitting information which may be confidential.

(2) No claim of confidentiality may be made for the name and address of any permit applicant or permittee, permit applications, permits or effluent data.

(3) No claim of confidentiality may be made for information submitted on the application forms themselves or any attachments used to supply information required by the forms.

(4) If a claim of confidentiality is made in accordance with 40 CFR 2, it must be made at the time of submission and by stamping "confidential business information" on each page containing such information.

(5) The Department shall, subject to notice and opportunity for hearing under Section 120.57, F.S., determine whether the information, as requested, complies with subsections (1) and (4) of this section and should be kept confidential.

Specific Authority 403.061, 403.111, 403.8055 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.111 FS. History--New 11-29-94.

62-620.305 Signatories to Permit Applications and Reports.

(1) All permit applications under this chapter shall be signed as follows:

(a) For a corporation, a responsible corporate officer shall sign all applications for permit. A responsible corporate officer is considered to be

1. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) For a partnership or sole proprietorship, a general partner or the proprietor, respectively, shall sign all applications for permit.

(c) For public agencies, a principal executive officer or ranking elected official shall sign all permit applications. A principal executive officer includes the chief executive officer of the agency or a senior executive officer having the responsibility for the overall operations of a principal geographic unit of the agency, for example, a regional or district administrator, a director of public works, or city or county manager.

(2) All reports required by permits and other information requested by the Department under this chapter shall be signed by a person described in subsection (1) of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subsection (1) of this section;

(b) The authorization specifies either an individual or a position having overall responsibility for the operation of the regulated facility or activity, such as the position of plant manager, superintendent, certified chief operator, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the Department.

(3) If an authorization under subsection (2) of this section is no longer valid because a different individual or position has overall responsibility for the operation of the facility or activity, a new authorization satisfying the requirements of subsection (2) of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) Any person signing a document under subsection (1) or (2) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94.

62-620.310 Procedure to Obtain Permits.

(1) Any person intending to construct, operate, or modify a wastewater facility or activity which will discharge wastes into waters or which will reasonably be expected to be a source of water pollution shall make application to the Department for a permit or shall notify the Department of the intent to use a general or generic permit under this chapter. A permit shall be issued only if all Department requirements for wastewater facilities or activities are met.

(2) Any person desiring to obtain a permit under this chapter shall apply on the appropriate forms listed in Rule 62-620.910, F.A.C., and shall submit such additional information requested under Rule 62-620.510, F.A.C., necessary to comply with the requirements of this chapter. Any person desiring to use a general or generic permit shall follow the procedures under Part V of this chapter. Available generic permits for wastewater facilities or activities are identified in Rules 62-621.300 and 62-621.500, F.A.C.

(3) A minimum of four copies of all applications and supporting documents which request a permit for discharges of wastes into waters regulated under Section 403.0885, F.S., and this chapter shall be filed with the Department at the appropriate district office listed in the DEP Form 62-620.910(1), except applications for discharges from steam electric generating plants which shall be filed with the Department at its Tallahassee office. If the application is requesting a permit for a ground water discharge only, three copies of all applications and supporting documents shall be filed with the Department at the designated locations.

(4) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of a wastewater facility or activity shall be in accordance with sound professional engineering practices; and any supporting documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices. All applications for a permit shall be certified by a professional engineer registered in the State of Florida except where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by a professional engineer or professional geologist, as appropriate.

(5) Application processing fees shall be submitted with the application in the amount established in Rule 62-4.050, F.A.C. To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The application processing fee is non-refundable.

(6) Annual regulatory program and surveillance fees shall be submitted in accordance with Rule 62-4.052, F.A.C.

(7) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the correct fee was not received. The Department shall take no further action until the correct fee is received. Upon receipt of the correct fee, the Department shall begin permit processing.

(a) If a fee is received by the Department which is less than the amount required, the Department shall return the fee along with the written notification.

(b) If an applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange to have the applicant pick up the application.

(c) If an applicant submits an application fee in excess of the required fee, the permit processing shall begin and the Department shall refund to the applicant the amount received in excess of the required fee.

(8) Any substantial change to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C.

(9) A wastewater permit shall:

(a) Specify the manner, nature, volume, and frequency of any discharge;

(b) Require proper operation and maintenance of any wastewater facility by qualified personnel as described in subsection 62-620.610(7) and Rule 62-620.630, F.A.C.; and

(c) Contain such additional conditions, limitations, requirements, and restrictions such as those imposed under Rules 62-620.610, 62-620.620 and 62-620.625, F.A.C., which are necessary to preserve and protect the quality of the receiving waters and to ensure proper operation of the wastewater facilities.

(10) Additional requirements for domestic wastewater facilities include the following:

(a) Residuals treatment components and residuals land application sites required under Chapters 62-600 and 62-640, F.A.C., shall be included in the permit for the wastewater treatment plant.

(b) The wastewater facility permittee shall apply under subsection 62-620.325(2), F.A.C., for a minor permit revision for any modifications or expansions of the approved residuals land application sites in accordance with Chapter 62-640, F.A.C.

(c) When a permit is required for a reuse and land application system portion of a wastewater facility, it shall be included in a single permit for the entire facility, except as provided in Rule 62-610.800, F.A.C.

(d) Expansions of a public access reclaimed water distribution system permitted under Part III of Chapter 62-610, F.A.C., within reuse areas designated in an existing permit do not require a new permit or revision of the existing permit, except as required in paragraphs (e) and (f) of this section.

(e) For reuse systems permitted in accordance with Part III of Chapter 62-610, F.A.C., a new permit or revision of the existing permit shall be required for:

1. Expansion of the reclaimed water distribution system outside of the area designated in an existing permit; or

2. Addition of a new major user of reclaimed water not identified in the existing permit, if the permittee requests that the permitted capacity of the reuse system be increased.

(f) The wastewater facility permittee may use the general permit set forth in Chapter 62-610, F.A.C., for the addition of a new major user of reclaimed water to a reuse area designated in an existing permit.

Specific Authority 403.061, 403.087, 403.0877 FS. Law Implemented 403.051, 403.061, 403.087, 403.0877, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04, 2-7-06.

62-620.320 Standards for Issuing or Denying Permits.

(1) A permit shall be issued only if the applicant affirmatively provides the Department with reasonable assurance, based on a preliminary design report, plans, test results, installation of pollution control equipment, or other information, that the construction, modification, or operation of the wastewater facility or activity will not discharge or cause pollution in contravention of Chapter 403, F.S., and applicable Department rules.

(2) If, after review of the application and any pertinent information, the Department determines that the applicant has not provided reasonable assurance that the construction, modification, or operation of the wastewater facility or activity will be in accordance with applicable statutes or rules, including rules of approved local programs under Section 403.182, F.S., the Department shall deny the permit, shall notify the applicant, and specify the reasons for the denial.

(3) A permit issued under this chapter shall be renewed upon timely application to the Department in accordance with Rule 62-620.335, F.A.C., if the discharge is in compliance with permit conditions and applicable statutes and rules.

(4) The Department shall issue, reissue, or renew a permit which would otherwise be denied if the criteria set forth in Sections 403.088(2)(e) and (f), F.S., are met.

(5) A permit for which the permit application fee was prorated in accordance with paragraph 62-4.050(4)(s), F.A.C., shall not be extended through a revision procedure.

(6) Any permit that the Department issues shall contain specific conditions necessary to provide reasonable assurance that Department rules will be met.

(7) The Department shall take into consideration a permit applicant's violation of any Department rules at any wastewater facility or activity when determining whether the applicant has provided reasonable assurance that Department standards will be met.

(8) No Department permit shall be issued under this chapter for a term of more than five years except as provided in Section 403.087, F.S.

(9) The issuance of a permit does not relieve any person from complying with the requirements of the Clean Water Act, Federal Regulations, Chapter 403, F.S., or Department rules.

(10) No permit shall be issued for a discharge of wastes into waters regulated under this chapter pursuant to Section 403.0885, F.S., when:

(a) The conditions of the permit do not provide for compliance with the requirements of Chapter 403, F.S., and Department rules;

(b) The U.S. Environmental Protection Agency has objected to the permit issuance;

(c) In the judgment of the Secretary of the Army, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge to surface waters;

(d) Any radiological, chemical or biological warfare agent or high-level radioactive waste is any part of the discharge to surface waters;

(e) A new source or a new discharger is proposing an installation from which the discharge to surface waters will cause or contribute to the violation of water quality standards, except as provided in Department rules such as Chapters 62-4, 62-302, 62-620 and 62-660, F.A.C. This paragraph shall not be construed to limit or restrict the applicability of other moderating provisions or variances in Department rules; or

(f) The imposition of permit conditions cannot ensure compliance with the applicable water quality requirements of all affected states or Indian tribes.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04.

62-620.325 Revisions to Permit Conditions.

(1) Substantial revisions.

(a) For good cause and after notice and, if requested, an administrative hearing pursuant to Section 120.57, F.S., the Department shall require the permittee to conform to new or additional permit conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions. In determining what is a reasonable time to conform to new or additional permit conditions, the Department shall consider:

1. The extent of construction or other work necessary to come into conformance;
2. Any site-specific conditions affecting the time to come into conformance; and
3. Any other matters affecting time to come into conformance based on professionally accepted engineering or scientific practices.

(b) For the purpose of this section, good cause shall include any of the following:

1. A showing of any change in the environment or surrounding conditions that requires a revision to conform to applicable water quality standards.

2. A showing that a changed classification of the receiving water requires a modification of the discharge.

3. Adoption or revision of statutes, rules, or standards, including toxicity standards or prohibitions, which require the revision of a permit condition for compliance.

4. A showing that there are material and substantial alterations or additions to the permitted facility or activity, including a change in the permittee's residuals use or disposal practice, which occurred after permit issuance which justify the application of permit conditions that are different in or absent from the existing permit.

5. A showing that new information, other than revised rules or test methods, received by the Department was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance. This cause shall include any significant information derived from effluent testing required after issuance of the permit.

6. A showing that revision of a compliance schedule is necessary because of delays caused by an Act of God, strike, or materials shortage or other event over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may a compliance schedule be revised to extend beyond a Federal or State statutory deadline, if applicable. In determining whether there is a reasonable available remedy, the Department shall consider:

a. The extent of time and work involved in available remedies;

b. Site-specific conditions affecting available remedies; and

c. Any other limitations affecting available remedies based on professionally accepted engineering or scientific practices.

7. A showing that there is a technical mistake in a permit condition which needs to be corrected.

8. A showing that revision of a permit is required under paragraph 62-620.620(1)(f), F.A.C.

(c) A permittee may request a revision of a permit by applying to the Department for a variance in accordance with Rule 62-620.800, F.A.C.

(d) A permittee may request a revision of a permit for any reason, including for good cause set forth in subsection (2) of this section.

(e) Application for revision to a permit shall be in accordance with the requirements found in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. The request shall include the appropriate processing fee as set forth in Rule 62-4.050, F.A.C.

(f) When a permit is revised, only the conditions subject to revision are reopened. All other requirements and conditions of the existing permit shall remain in effect until the permit expires.

(2) Minor Revisions.

(a) Permits may be revised with the written consent or at the request of the permittee. The corrections or changes listed in this section shall be contained in a letter to the permittee which shall be attached to an existing permit. A permittee shall not be required to file an application or pay a processing fee for revisions required by the Department for corrections of typographical or calculation errors, or for incorporation of conditions of a pretreatment program that has been approved under Chapter 62-625, F.A.C.

(b) Requests by the permittee for changes in ownership or operational control of a facility shall be made on DEP Form 62-620.910(1) and DEP Form 62-620.910(11) provided that no other change in the permit is necessary. The request shall be accompanied by the processing fee set forth in Rule 62-4.050, F.A.C., and shall include a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees. If other changes are necessary, requests shall be made in accordance with subsections of this section.

(c) Requests by the permittee for minor revisions to permit conditions, other than changes in ownership, shall be made on DEP Form 62-620.910(1) and DEP Form 62-620.910(9).

1. The following revisions do not require the permittee to pay a processing fee:

a. Corrections of typographical errors;

b. Changes in an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

c. Changes in the construction schedule for a new source, provided that no such change shall affect the permittee's obligation to have all pollution control equipment installed and in operation prior to a discharge from the facility;

d. Deletion of a discharge point or outfall when the discharge from that discharge point or outfall is terminated and the deletion does not result in a discharge of wastes from other discharge points or outfalls except in accordance with permit limits; and

e. A change in the expiration date of a permit which was issued for less than five years, for which the application fee was not prorated, and for which the requested change does not exceed five years from the date of issuance of the permit.

2. The following revisions require the permittee to pay a processing fee as set forth in Rule 62-4.050, F.A.C.:

- a. Changes in staffing requirements under Chapter 62-699, F.A.C.;
- b. Changes to increase or decrease the permit requirements for monitoring or reporting;
- c. Modifications or expansions of approved residuals land application sites; and
- d. Minor modifications to the facility.

e. A change in the expiration date of a permit which was issued for less than five years, for which the application fee was prorated, and for which the requested change does not exceed five years from the date of issuance of the permit.

(d) The Department shall prepare a draft permit and public notice under subsection 62-620.550(2), F.A.C., for any change to decrease the permit requirement for monitoring or reporting, or for a change in the expiration date of a permit which was issued for less than five years, for which the application fee was prorated, and for which the requested change does not exceed five years from the date of issuance of the permit.

(e) No permit revision is required for routine facility maintenance or any modification associated with ancillary or electrical equipment and structures.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

62-620.335 Renewals.

(1) A permittee shall submit an application to renew an existing permit at least 180 days before the expiration date of the existing permit or as otherwise specified in the generic permit issued under Chapter 62-621, F.A.C.

(2) The permittee shall apply on the appropriate form 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 or 62-621, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

(3) An application filed in accordance with subsections (1) and (2) of this section shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

(4) The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

(5) The following are causes for denying a permit renewal:

- (a) Violation by the permittee of any condition of the permit;
- (b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
- (c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination;
- (d) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge, any domestic wastewater reuse or disposal system, or any domestic residuals use or disposal practice controlled by the permit;
- (e) Failure to submit required information or required fees;
- (f) Failure to pay annual fees or penalty assessments for noncompliance; or
- (g) After review of the application and the information on monitoring and monthly reports, the Department determines that the applicant has not provided reasonable assurance that the wastewater facility or activity will be operated in accordance with Chapter 403, F.S., and applicable Department rules.

Specific Authority 120.60, 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04.

62-620.340 Transfer of Permit.

(1) Except as provided in subsection (2) of this section, a permit may be transferred by the existing permittee to a proposed permittee only if the permit has been revised in accordance with subsection 62-620.325(1), F.A.C., to identify the proposed permittee and to incorporate other applicable statutory or rule requirements in effect at the time of revision or if the permit has been revoked and reissued.

(2) As an alternative to transfers under subsection (1) of this section, and subject to subsection (3) below, a permit shall be automatically transferred to a new permittee if:

- (a) The existing permittee notifies the Department on DEP Form 62-620.910(1) and DEP Form 62-620.910(11) at least 30 days in advance of the proposed transfer date;
- (b) The notification of a transfer includes a written agreement between the existing permittee and the proposed permittee containing a specific date for the transfer of permit responsibility, coverage, and liability between them; and

(c) Within 30 days of receipt of the notification of the transfer, the Department does not serve notice to the existing permittee and the proposed permittee that it intends to revise, under subsection (1) of this section, the permit or to deny the transfer, or that additional information is required to adequately review the transfer request.

(3) The Department shall allow the transfer under subsection (2) of this section unless it determines that the proposed permittee cannot provide reasonable assurance that conditions of the permit will be met. The determination shall be limited solely to the ability of the proposed permittee to comply with the conditions of the existing permit, and it shall not consider the adequacy of these permit conditions.

(4) If the Department proposes to deny the transfer, or proposes to revise or revoke and reissue the permit, it shall provide both the existing permittee and the proposed permittee with a written objection to such transfer together with the notice of a right to request an administrative proceeding on such determination.

(5) Within 30 days of receiving properly completed DEP Form 62-620.910(1) and DEP Form 62-620.910(11), the Department shall issue a final determination. If additional information is needed the Department shall toll the time for making a determination on the transfer by notifying both the existing permittee and the proposed permittee that additional information is required to adequately review the transfer request. Such notification shall specify what additional information is necessary and shall be served within 30 days of receipt of completed DEP Form 62-620.910(1) and DEP Form 62-620.910(11).

(6) Until the permit is transferred pursuant to this rule, the existing permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The existing permittee shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96.

62-620.345 Suspension and Revocation.

(1) The following are causes for suspending, revoking, or terminating any permit issued by the Department under this chapter. The Department finds:

(a) That the permit holder or his agent submitted false or inaccurate information in his application for a permit under this chapter or operational reports required by a permit under this chapter;

(b) That the permit holder or his agent has violated the applicable provisions of Chapter 403, F.S., or Department rules regulating wastewater facilities or activities, or has violated Department orders or permit conditions related to the wastewater facility or activity;

(c) That the permit holder or his agent has failed to submit operational reports or other information required by Department rules for the wastewater facility or activity;

(d) That the permit holder or his agent has refused lawful inspection of the wastewater facility or activity under Section 403.091, F.S., and subsection 62-620.610(9), F.A.C.;

(e) That the permitted wastewater facility or activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination; or

(f) That a change in any condition requires either a temporary or permanent reduction or elimination of any discharge of effluent, reclaimed water, industrial sludge or residuals use or disposal practice controlled by the permit, such as plant closure or termination of discharge by connection to another permitted facility.

(2) No suspension, revocation, or termination shall become effective until notice is served upon the permittee in accordance with Rules 62-110.106 and 28-107.004, F.A.C., and if requested, a hearing held within the time specified in the notice. The notice shall specify the provision of the law, the permit condition, or the Department order alleged to be violated, and the facts alleged to constitute the violation. This subsection does not preclude the Department from seeking immediate injunctive relief under Section 403.131, F.S.

Specific Authority 403.061, 403.087 FS. Law Implemented 120.60, 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 10-23-00.

62-620.350 Recordkeeping.

Unless the permit specifically indicates an alternative location, the permittee shall maintain the following records on the site of the permitted facility or activity and make them available for inspection:

(1) 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;

(2) Copies of all reports, other than those required in subsections (1), (4) and (9) of this section, required by the permit for at least three years from the date the report was prepared;

(3) 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;

(4) Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., or for at least three years from the date of sampling or measurement;

(5) A copy of the current permit;

(6) A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;

(7) A copy of any required record drawings;

(8) Copies of the licenses of the current certified operators if the facility is required by Chapter 62-699, F.A.C., to have certified operators; and

(9) Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedules.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

PART II PERMIT APPLICATION REQUIREMENTS

62-620.400 Permit Application Requirements.

Permit application requirements are set forth in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. This guide contains procedures and requirements to apply for permits for wastewater facilities or activities and the renewal of existing permits. It addresses modifications to wastewater facilities or activities for which permits are required unless specifically excluded. It sets forth general requirements which apply to applications for permits under this chapter and it sets forth additional application requirements that apply to specific types of facilities or activities. Other Department rules which deal with other aspects of wastewater facilities or activities are Chapter 62-4, F.A.C., Permitting; Chapter 62-25, F.A.C., Stormwater; Chapter 62-28, F.A.C., Underground Injection Control; Chapter 62-302, F.A.C., Surface Water Quality Standards; Chapter 62-520, F.A.C., Ground Water Classes, Standards, and Exemptions; Chapter 62-522, F.A.C., Ground Water Permitting and Monitoring Requirements; Chapter 62-600, F.A.C., Domestic Wastewater Facilities; Chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring; Chapter 62-604, F.A.C., Collection Systems and Transmission Facilities; Chapter 62-610, F.A.C., Reuse of Reclaimed Water and Land Application; Chapter 62-611, F.A.C., Wetlands Application; Chapter 62-621, F.A.C., Generic Permits; Chapter 62-624, F.A.C., Municipal Separate Storm Sewer Systems; Chapter 62-625, F.A.C., Pretreatment; Chapter 62-640, F.A.C., Domestic Wastewater Residuals; Chapter 62-650, F.A.C., Water Quality Based Effluent Limitations; Chapter 62-660, F.A.C., Industrial Wastewater Facilities; Chapter 62-670, F.A.C., Feedlot and Dairy Wastewater Treatment and Management Requirements; Chapter 62-671, F.A.C., Phosphate Mining Waste Treatment Requirements; Chapter 62-672, F.A.C., Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations; Chapter 62-673, F.A.C., Phosphogypsum Management; Chapter 62-699, F.A.C., Treatment Plant Classification and Staffing.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

62-620.410 General Application Requirements.

(1) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., contains the general application requirements for a permit for wastewater facilities or activities, except for collection and transmission systems permitted under Chapter 62-604, F.A.C. The application requirements for minor modifications to a wastewater facility or activity include a description of the proposed modification and, if applicable, any reports, plans, and specifications which were developed to implement the modification. The application for minor modification to a wastewater facility or activity shall be made on DEP Form 62-620.910(9).

(2) An applicant for a permit for a new or substantially modified wastewater facility or activity shall submit an application to the Department at least 180 days before a discharge occurs from the facility or activity. An applicant shall apply at least 90 days before construction commences on a new or modified wastewater facility or activity.

(3) An applicant shall submit as part of the application for a permit a preliminary design or engineering report and other information in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. A report substantively addressing all of the elements listed in the Guide shall be submitted at least 90 days before construction commences on a facility or activity which discharges solely to surface waters or on a component of a facility or activity which discharges solely to surface waters if the applicant can demonstrate that the component is separable from the entire facility or activity. For all other facilities or activities, the report shall be submitted and made complete with the application for permit.

(4) Initiation or commencement of construction means to begin performing on-site modification, fabrication, erection or installation of a treatment facility or a conveyance system for the discharge of wastes. For the purposes of the permit, land clearing and site preparation activities related to this construction are not included herein; however, before undertaking these activities, other permits for stormwater discharges from the site may be required.

(5) An applicant shall apply to the Department to renew an existing permit at least 180 days before the expiration date of the existing permit.

(6) Record drawings shall be prepared for new facilities or for substantial modifications to existing facilities permitted pursuant to this chapter. Record drawings shall be prepared and distributed as outlined in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. Notification of availability of record drawings shall be made on DEP Form 62-620.910(13).

(7) An applicant for a permit for a new wastewater facility or activity, or for substantial modifications to an existing wastewater facility or activity, shall submit DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities, upon completion of construction.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

62-620.510 Application Processing.

(1) Within 30 days after receipt of an application for permit and its processing fee, the Department shall notify the applicant if the application is not complete and shall request submittal of the additional information needed to review the application that the Department is authorized by law to request. If an applicant for a permit issued under Section 403.0885, F.S., and this chapter is required to submit with his application a preliminary design report, engineering report, or other design materials for review, the Department shall advise the applicant if the report or materials are deficient and shall request additional information as appropriate. All Department requests for additional information shall be made in accordance with Sections 120.60, 403.0875 and 403.0876, F.S. An applicant who constructs or modifies a facility under Section 403.0885, F.S., and this chapter, without a permit does so at his own risk and is prohibited from discharging wastes from the newly constructed facility or activity or the newly modified portion of a facility or activity without a permit.

(2) If the application is for permit renewal, the Department shall specify a date for the submittal of the requested information.

(3) Within 30 days after receipt of such additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.

(4) If the Department decides that a site visit is necessary in conjunction with processing the application, the applicant shall be notified and a visit scheduled.

(5) If the applicant fails to provide information requested or to correct deficiencies noted in the application, which were either requested or notified in accordance with subsection (1), and the information or correction is necessary to meet the requirements of this chapter, the permit shall be denied. If the incomplete application is for renewal of an expiring permit and the renewal is denied, appropriate enforcement action shall be imposed on the applicant for continuing to discharge into waters after the denial is final.

(6) The Department shall notify the applicant that the application is complete after receipt of all required information. The date on which the Department notifies the applicant that the application is complete is the effective date of the application.

(7) When an application is complete, the Department shall determine whether to prepare a draft permit for issuance or denial of a permit. The initial preparation of a draft permit for issuance does not preclude the Department from denying a permit after an opportunity for public comment or public meeting, if requested.

(8) The Department shall render a decision as to whether the draft permit will be for issuance or denial within 90 days after the Department has received all of the information necessary to make the application complete. If this time schedule is not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(9) If the Department intends to deny the permit application, it shall issue a notice of intent to deny. Public notice under subsection 62-620.550(2), F.A.C., shall not be required. However, the Department shall prepare a statement of basis or fact sheet with the reasons for the proposed action. If the decision to deny is changed, except through an administrative hearing under Section 120.57, F.S., the Department shall withdraw the notice of intent to deny and shall proceed to prepare a draft permit. If the applicant requests an administrative hearing under Section 120.57, F.S., on the Department intent to deny, the applicant shall publish notice of proposed agency action under subsections 62-620.550(1) and 62-110.106(7), F.A.C. Upon completion of the administrative hearing, the Department shall issue or deny the permit in accordance with the conclusions of the proceedings, provided the applicant has published notice as required in subsections 62-620.550(1) and 62-110.106(7), F.A.C. If the applicant has not published notice as required in these rules, the Department shall proceed to prepare a draft permit.

(10) If the Department intends to prepare a draft permit for issuance, it shall prepare and mail to the applicant, not later than the effective date of the application, a project decision schedule. The schedule shall specify, at a minimum, target dates for the following:

- (a) Preparation of a draft permit;
- (b) Public notice, if required, under subsections 62-620.550(2) through (4), F.A.C.;
- (c) Completion of the public comment period, including any public meeting, if held;
- (d) Issuance of a final permit or submittal of a proposed permit to EPA;
- (e) Public notice, if required, under subsection 62-110.106(7), F.A.C.; and
- (f) Completion of any focal proceedings which may be associated with the application.

(11) A draft permit for issuance shall contain the following information:

- (a) All conditions the applicant must meet;
- (b) All applicable compliance schedules;
- (c) All monitoring requirements; and
- (d) All reclaimed water or effluent limitations, flow limitations, criteria, prohibitions, criteria for residuals or industrial sludge handling, all general conditions, and all variances, if applicable.

(12) All draft permits shall be accompanied by a statement of basis or a fact sheet on which the Department relied in making its decision. The statement of basis or fact sheet shall be prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C.

(13) For discharges of wastes into waters regulated under Section 403.0885, F.S., and this chapter, the Department shall, as a part of public notice under subsections 62-620.550(2) through (4), F.A.C., and in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., request comments from the U.S. Army Corps of Engineers, the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

(14) Comments from the public under subsections 62-620.550(2) through (4), F.A.C., shall be considered in evaluation of the draft permit. Comments received from the agencies listed in subsection (13) of this section shall be considered as described in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. If a permit is issued, the Department shall prepare a response to the significant comments in accordance with Rule 62-620.555, F.A.C.

(15) The administrative record of the draft permit shall be available for public inspection at the Department office issuing the permit and shall consist of:

- (a) The application and any supporting data provided by the applicant;
- (b) The draft permit;
- (c) The statement of basis or fact sheet;
- (d) All documents cited in the statement of basis or fact sheet; and
- (e) Other documents contained in the supporting file.

(16) Material readily available at the Department office issuing the permit or published material that is generally available that is included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.

(17) The Department shall:

(a) Prepare a proposed permit for discharges of wastes regulated under Section 403.0885, F.S., after the close of the public comment period under subsections 62-620.550(2) through (4), F.A.C., or, if requested, after any public meeting under Rule 62-620.555, F.A.C.;

(b) Prepare a final permit for other discharges of wastes after public notice under subsection 62-620.550(1), F.A.C., or, if requested, after an administrative hearing.

(18) Except as waived by EPA in a Memorandum of Agreement with the Department, for discharges of wastes regulated under this chapter pursuant to Section 403.0885, F.S., the Department shall submit the proposed permit to the EPA for its concurrence in the Department decision.

(a) If EPA concurs, the Department shall issue a final permit.

(b) If EPA objects to issuance of the permit, in accordance with 40 CFR 123.44 and in writing within 90 days of submittal to EPA, and the Department fails to submit to EPA a revised permit satisfying the objections in accordance with the following timeframe, exclusive authority to issue the NPDES permit under 33 U.S.C. 1342 passes to EPA and the Department retains authority to issue a state permit under Section 403.088, F.S. The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA. The Department shall advise the applicant of the EPA objections.

(c) Upon receipt of the EPA concurrence, the Department shall prepare and send to the applicant for publication the public notice required under subsection 62-620.550(1), F.A.C., advising the applicant and all affected persons of their right to an administrative hearing.

(19) Permits shall be issued or denied as follows:

(a) For a facility or activity regulated under this chapter pursuant to Section 403.0885, F.S., the Department shall grant a permit within 30 days after the Department has received concurrence from the EPA on the proposed permit. For a facility or activity regulated under this chapter pursuant to Section 403.0885, F.S., the Department shall deny the permit application within 30 days after public notice of the decision to deny as required under subsection 62-620.550(1), F.A.C.

(b) For a wastewater facility not regulated under Section 403.0885, F.S., the Department shall grant a permit or deny the permit application within 30 days after public notice of the decision on the draft permit as required under subsection 62-620.550(1), F.A.C.

(c) The time for issuing a permit or denying a permit application shall be tolled by the timely filing of a request for an administrative hearing under Section 120.569, F.S. The time shall be tolled until 45 days after the submission of a recommended order or until the administrative petition is dismissed or withdrawn.

(d) If these time schedules are not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(20) Only that portion of the permit which authorizes a discharge regulated under section 402 of the CWA, as amended, shall be submitted to the EPA for review under that section. A permit includes any draft permit, proposed permit, or final permit described in this chapter.

Specific Authority 403.061, 403.087, 403.815 FS. Law Implemented 403.051, 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04.

62-620.550 Public Notice.

(1) Public notice under Chapter 120, F.S., and subsection 62-110.106(7), F.A.C., advising the applicant and all affected persons of their right to an administrative hearing shall be given as follows:

(a) Public notice shall be required for all permits for new or substantially modified facilities and those facilities described in subparagraph 62-110.106(7)(a)1., F.A.C.;

(b) Notice shall be given in accordance with subsection 62-110.106(7), F.A.C.; and

(c) If the applicant is also required to give notice under subsections (2) through (4) of this section, the notice required in this subsection shall be given following the preparation of a proposed permit under subsection 62-620.510(18), F.A.C.

(2) Public notice for discharges of wastes regulated under Section 403.0885, F.S., and this chapter, shall announce the preparation of a draft permit and solicit public comments on its efficacy or announce the date, time and location of a public meeting to take oral comments on a draft permit.

(a) Public notice under this subsection is required when the Department prepares a draft permit for all new wastewater facilities or activities, for all substantially revised permits, for all renewals of permits which have been issued under Section 403.0885, F.S., and this chapter, and for minor revisions to a permit when the revision proposes to decrease a permit requirement for monitoring or reporting. No public notice is required when a request for a permit, permit revision, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to anyone requesting it and to the permittee.

(b) Public notices may describe more than one permit or permit action.

(c) Public notice of the preparation of a draft permit shall allow at least 30 days for public comment.

(d) Public notice of a public meeting shall be given at least 30 days before the meeting. The notice may be given at the same time as public notice of the draft permit and the two notices may be combined.

(3) Public notice of activities described in subsection (2) of this section shall be given as set forth in paragraphs (a) and (b) below.

(a) Notice shall be given by mailing a copy of a notice to:

1. The applicant except when the Department is giving notice that it intends to issue a general or generic permit;
2. Any other agency which the Department knows has an interest in the draft permit or public meeting, including EPA;
3. Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources; over historical and archaeological sites; and over coastal zone management plans, including the U.S. Advisory Council on Historic Preservation; U.S. Army Corps of Engineers; the U.S. Fish and Wildlife Service; the National Marine Fisheries Service; the Florida Department of State, Division of Archives and History; the Florida Fish and Wildlife Conservation Commission; and the Florida Department of Community Affairs;
4. Any unit of local government having jurisdiction over the area where the facility is proposed to be located;
5. Persons on Department mailing lists which shall be compiled by notifying the public of the opportunity to be placed on the mailing lists and from those persons who request in writing to be on the lists;
6. Any industrial user identified in the permit application of a privately owned treatment works; and
7. Any affected state or Indian tribe as defined in 40 CFR 124.2.

(b) For all major facilities and all other facilities of local interest, notice as described in subsection (4) of this section shall be given by publication one time only by the permittee at his expense in the daily or weekly newspaper of general circulation within the area affected by the facility or activity and meeting the requirements of Chapter 50, F.S. The Department shall provide the permittee with a copy of the notice to be published. Proof of publication of the notice shall be submitted by the permittee to the Department within two weeks of the date the notice appeared in the newspaper.

(4) Public notices required by paragraph (3)(b) of this section shall contain the following minimum information:

(a) Name and address of the Department office processing the permit action for which notice is being given;

(b) Name and address of the permittee or the permit applicant and, if different, of the facility or activity regulated by the permit;

(c) A brief description of the business conducted at the site or plant described in the permit application or the draft permit;

(d) Name, address and telephone number of a person in the Department from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application;

(e) A brief description of the public comment procedures and the time, date and place of any public meeting that will be held, including a statement of procedures to request a public meeting if one has not already been scheduled, and other procedures by which the public may participate in the final permit decision;

(f) A description of the location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record;

(g) Reference to the date of previous public notices relating to the permit;

(h) A brief description of the nature and purpose of a public meeting, if held; and

(i) A general description of the location of each existing or proposed discharge point and the name of the receiving water, the residuals or industrial sludge use and disposal practice(s), and the location of each sludge treatment works treating domestic sewage, and reuse or disposal sites known at the time of permit application.

(5) In addition to the public notice described in subsection (4) of this section, all persons identified in subparagraphs (3)(a)1. through 4. of this section shall be mailed a copy of the fact sheet or statement of basis, the permit application form, and the draft permit. Upon request, persons identified in subparagraphs (3)(a)5. through 7. of this section will be provided the above documents at cost.

(6) In addition to the information required under subsection (4) of this section, public notice of a draft permit for a discharge regulated under Section 403.0885, F.S., and this chapter, where a request for a variance from a thermal component pursuant to Rule 62-620.800, F.A.C., has been filed shall include:

(a) A statement that the thermal component of the discharge is subject to effluent limitations under Rule 62-660.400, F.A.C., and a brief description, including a quantitative statement, of the thermal effluent limitations proposed by the applicant;

(b) A statement that a request under Rule 62-620.800, F.A.C., has been filed and that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, included in the request; and

(c) If the applicant has filed an early screening request with the Department for a variance for a thermal component under Rule 62-620.800, F.A.C., a statement that the applicant has submitted such a plan.

Specific Authority 403.061(31), 403.815 FS. Law Implemented 120.60(3), 403.051, 403.0885, 403.815 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

62-620.555 Public Comments and Requests for Public Meetings.

(1) During the public comment period provided in Rule 62-620.550, F.A.C., any interested person may submit written comments on the draft permit or may request a public meeting, if no public meeting has been scheduled.

(2) A request for a public meeting shall be in writing and shall state the nature of the issues proposed to be raised in the meeting.

(3) All significant comments, both written to the Department and presented at a public meeting, shall be considered in making the final decision and shall be answered when a final permit is issued. The response shall be available to the public and shall:

(a) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

(b) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period or during any public meeting.

(4) The Department shall hold a public meeting after public notice under subsection 62-620.550(3), F.A.C., whenever a significant degree of public interest in a draft permit is expressed through public comments and requests for a public meeting. The Department may also hold a public meeting whenever it might clarify one or more issues involved in the permit decision.

(5) If a public meeting is held, any person may submit oral or written statements and data concerning the draft permit.

(6) The public comment period under subsection 62-620.550(2), F.A.C., shall automatically be extended to the close of any public meeting under this section. The presiding officer at the public meeting may also extend the comment period by so stating at the meeting.

(7) A tape recording of the public meeting shall be made available to the public during regular business hours at the Department office processing the permit application.

Specific Authority 120.53(1), 403.051, 403.061(31), 403.0885 FS. Law Implemented 120.53(1), 403.051, 403.0885 FS. History—New 11-29-94.

PART IV PERMIT CONDITIONS

62-620.610 General Conditions for All Permits.

All permits, except General and Generic Permits, issued by the Department under this chapter shall include the following conditions:

(1) The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision.

(2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit constitutes grounds for revocation and enforcement action by the Department.

(3) As provided in Section 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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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 subsection 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.

(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.

(18) Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.

(a) Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), 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 measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in subsection 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.

(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.

(20) The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(a) The following shall be included as information which must be reported within 24 hours under this condition:

- 1. Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
- 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- 4. Any unauthorized discharge to surface or ground waters.

(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 Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:

- a. Name, address, and telephone number of person reporting;
- b. Name, address, and telephone number of permittee or responsible person for the discharge;
- c. Date and time of the discharge and status of discharge (ongoing or ceased);
- d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
- e. Estimated amount of the discharge;
- f. Location or address of the discharge;
- g. Source and cause of the discharge;
- h. Whether the discharge was contained on-site, and cleanup actions taken to date;
- i. Description of area affected by the discharge, including name of water body affected, if any; and
- j. Other persons or agencies contacted.

2. Oral reports, not otherwise required to be provided pursuant to subparagraph (b)1. above, shall be provided to the Department 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 shall waive the written report.

(21) The permittee shall report all instances of noncompliance not reported under conditions (17), (18) or (19) of this permit at the time monitoring reports are submitted. This report shall contain the same information required by condition (20) of this permit.

(22) Bypass Provisions.

(a) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The permittee submitted notices as required under condition (22)(b) of this permit.

(b) If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in condition (20) of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(c) The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in condition (22)(a)1. through 3. of this permit.

(d) A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of condition (22)(a) through (c) of this permit.

(23) Upset Provisions.

(a) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the cause(s) of the upset;

2. The permitted facility was at the time being properly operated;

3. The permittee submitted notice of the upset as required in condition (20) of this permit; and

4. The permittee complied with any remedial measures required under condition (5) of this permit.

(b) In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.

(c) Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00, 4-17-02, 12-23-04, 2-7-06.

62-620.620 Guidelines for Establishing Specific Permit Conditions.

(1) Permit conditions shall be based on relevant statutory or regulatory provisions in effect prior to the final administrative disposition of a permit. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit. Except for collection system permits under Chapter 62-604, F.A.C., each permit shall contain the following permit conditions as applicable:

(a) Technology-based effluent limitations and standards set forth in Chapters 62-600, 62-610, 62-611, 62-660, 62-670, or 62-671, F.A.C., or developed under 40 CFR Part 125, subpart A;

(b) New source performance standards set forth in Chapters 62-660 or 62-671, F.A.C.;

(c) Other effluent limitations and standards set forth in Chapters 62-600, 62-610, 62-611, 62-650, 62-660, 62-670, or 62-671, F.A.C.;

(d) Standards for residuals use or disposal set forth in Chapters 62-640, 62-2, 62-7, or 62-701, F.A.C.;

(e) The permitted capacity for a domestic wastewater facility, including capacities for all disposal options, in accordance with Chapter 62-600, F.A.C.;

(f) A reopener clause that notifies the permittee that the permit may be revised or revoked and reissued if a standard is promulgated by the Department that is more stringent than the requirements of the permit for a primary industry category listed in 40 CFR 122 Appendix A, or for residuals use or disposal, including requirements for the control of a pollutant or practice not limited in the permit;

(g) Any requirements in addition to or more stringent than applicable promulgated effluent limitations necessary to provide reasonable assurance that a discharge will not cause or contribute to violations of water quality standards set forth in Chapter 62-302, F.A.C., including chemical-specific limits and whole effluent toxicity limits, as applicable;

(h) Technology-based controls for toxic pollutants which are or may be discharged at a level greater than the level which can be achieved by technology-based treatment requirements appropriate to the permittee or, in the alternative, limitations to control those or other pollutants that will provide treatment of the toxic pollutants to the required levels for discharge;

(i) A notification level established under subparagraphs 62-620.625(1)(a)4. and (1)(b)4., F.A.C. This new notification level shall not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under Chapter 62-660, F.A.C.;

(j) Other pollutants for which the permittee must report violations of maximum daily discharge limitations within 24 hours in accordance with subparagraph 62-620.610(20)(a)3., F.A.C. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance;

(k) The effective date and the expiration date of the permit;

(l) A schedule for construction of the facility or any modification thereto, and any required start-up or testing period needed, including dates for compliance with interim and final effluent limitations;

(m) A schedule for the development of a pretreatment program, if required under Chapter 62-625, F.A.C. If a program has already been approved, the permit shall incorporate the program by reference;

(n) In addition to the requirements and restrictions authorized by Section 403.088(2)(c), F.S., and subsection 62-620.310(9), F.A.C., best management practices as provided in 40 CFR 122.44(k);

(o) When a permit is renewed or reissued pursuant to Rule 62-620.325 or 62-620.335, F.A.C., interim effluent limitations, standards or conditions shall be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit revision or revocation and reissuance;

(p) When a permit is issued to a facility that may operate at certain times as a means of transportation over water, a condition that the discharge shall comply with any applicable regulations, promulgated by the Secretary of the Department in which the U.S. Coast Guard is operating, that establish specifications for safe transportation, handling, carriage, and storage of pollutants;

(q) Any conditions that the Secretary of the Army (U.S. Army Corps of Engineers) considers necessary to ensure that navigation and anchorage will not be substantially impaired; or

(r) For a permit to a privately owned domestic wastewater facility, any permit conditions expressly applicable to any industrial user of the domestic wastewater facility, as a limited co-permittee, that are necessary to ensure compliance with applicable requirements under Chapter 62-625, F.A.C. Alternatively, the Department may require a separate permit application from any industrial user and may issue separate permits to the treatment works and to its industrial users to ensure compliance with Chapter 62-625, F.A.C. The Department shall include in the fact sheet for the draft permit(s) the reason(s) for its decision to issue a permit to the treatment works with no conditions applicable to any industrial user, to impose in the permit to the treatment works conditions on one or more industrial users, or to require separate applications and separate permits for the treatment works and the industrial users.

(2) Permit conditions shall be established for the following:

(a) Outfalls and discharge points. All permit effluent limitations, standards and prohibitions shall be established for each outfall or discharge point of the permitted facility or activity, except as otherwise provided under paragraphs (1)(m), (1)(p) and (2)(i) of this section and activities permitted under Chapter 62-624, F.A.C.

(b) Production-based limitations.

1. In the case of domestic wastewater treatment facilities, permit effluent limitations, standards, or prohibitions shall be based on permitted capacity as set forth in Chapter 62-600, F.A.C.

2. In the case of industrial wastewater treatment facilities, calculation of any permit limitations, standards, or prohibitions which are based on production or other measure of operation shall be based not upon the designed production capacity but rather upon a reasonable measure of actual production of the facility. For new sources or new dischargers, actual production shall be estimated using projected production. The time period of the measure of production shall correspond to the time period of the calculated permit limitations; for example, monthly production shall be used to calculate average monthly discharge limitations.

3. If applicable, the Department shall include a condition establishing alternate permit limitations, standards, or prohibitions based upon anticipated increased (not to exceed maximum production capability) or decreased production levels.

4. If the Department establishes permit conditions under subparagraph 3. of this subsection:

a. The permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the Department under sub-subparagraph b. of this subsection, in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

b. The permit shall require the permittee to notify the Department at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.

c. The permittee shall submit with the Discharge Monitoring Report, DEP Form 62-620.910(10), the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.

(c) Metals. All permit effluent limitations for a metal that is hardness-dependent shall contain a requirement for monitoring hardness. All permit effluent limitations, standards, or prohibitions for a metal shall be expressed as follows:

1. "Total recoverable metal" in accordance with test methods in 40 CFR Part 136, Rule 62-4.246 and Chapter 62-160, F.A.C.,
or

2. Dissolved, valent or total form if:

a. An applicable effluent standard or limitation has been promulgated under the CWA and adopted by Department rule, and specifies the limitation for the metal in the dissolved, valent or total form;

b. In establishing water quality based permit effluent limitations, it is necessary to express the limitation on the metal in the dissolved, valent or total form to ensure protection of applicable water quality standards promulgated under Chapter 403, F.S.; or

c. All approved analytical methods for the metal measure only its dissolved form.

(d) Continuous discharges. Unless impracticable or not applicable under Department rules, all permit effluent limitations, standards, and prohibitions, other than permitted capacity, pH, and fecal coliform, shall be stated as:

1. Maximum daily and average monthly discharge limitations for all industrial wastewater treatment facilities; and

2. For domestic wastewater treatment facilities, annual, monthly, and weekly average discharge limitations and a maximum permissible concentration in a single sample.

(e) Non-continuous discharges. Non-continuous discharges shall be particularly described and limited, considering the following factors, as appropriate:

1. Frequency;

2. Total mass;

3. Maximum rate of discharge of pollutants during the discharge; and

4. Prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure.

(f) Limited wet weather discharges from domestic wastewater facilities. Discharges of excess reclaimed waters during wet weather periods shall be in accordance with Chapter 62-610, F.A.C., including calculations of the required stream dilution factor.

(g) Mass limitations.

1. All pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass except:

a. For pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;

b. When applicable standards and limitations are expressed in terms of other units of measurement; or

c. If in establishing permit limitations on a case-by-case basis, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations) and permit conditions ensure that dilution will not be used as a substitute for treatment.

2. Pollutants limited in terms of mass may also be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations.

(h) Pollutants in intake water.

1. Upon request of the discharger, technology-based effluent limitations or standards shall be adjusted to reflect credit for pollutants in the discharger's intake water if:

a. The applicable effluent limitations and standards contained in Chapter 62-660, F.A.C., specifically provide that they shall be applied on a net basis; or

b. The discharger demonstrates that the control system it proposes or uses to meet applicable technology-based limitations and standards would, if properly installed and operated, meet the limitations and standards in the absence of pollutants in the intake waters.

2. Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) shall not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3. Credit shall be granted only to the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the influent value.

4. Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The Department shall waive this requirement if the discharger demonstrates that no environmental degradation will result.

5. This section does not apply to the discharge of raw water clarifier industrial sludge generated from the treatment of intake water.

(i) Internal waste streams.

1. When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants shall be imposed on internal waste streams before mixing with other waste streams or cooling water streams. In those instances, the monitoring required by general conditions for all permits shall also be applied to the internal waste streams.

2. Limits on internal waste streams shall be imposed only when the fact sheet prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., sets forth the exceptional circumstances which make such limitations necessary, such as when the final discharge point is inaccessible, the wastes at the point of discharge are so diluted as to make monitoring impracticable, or the interferences among pollutants at the point of discharge make detection or analysis impracticable.

(j) Disposal of process wastewater into injection wells, into separately permitted wastewater treatment facilities, or by land application. Permit limitations and standards shall be calculated as provided in subsection (4) of this section.

(3) When a permit is renewed, revised, or reissued, a less stringent effluent limitation than contained in the previous permit shall be contained in the renewed, revised, or reissued permit only if the permittee demonstrates that:

(a) Information, other than revised rules, guidance, or test methods, is available which was not available at the time of permit issuance and which would have justified the application of a less stringent effluent limitation at the time of permit issuance or the Department determines that technical mistakes or mistaken interpretations of law were made in issuing the permit;

(b) A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

(c) A permit revision for a substantial modification to the facility provides justification for the application of a less stringent effluent limitation;

(d) A variance has been granted under Part VI of Chapter 62-620, F.A.C.; or

(e) The treatment works required to meet the effluent limitations in the previous permit have been installed, properly operated, and maintained but the facility has nevertheless been unable to achieve the previous effluent limitations. In such cases, the limitations in the renewed, revised, or reissued permit shall reflect the level of pollutant control actually achieved but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, revision, or reissuance.

(f) In no event shall a permit be renewed, revised, or reissued to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, revised, or reissued, or to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard applicable to the receiving water.

(4) When a part of a discharger's process wastewater is being disposed into an injection well, into a separately permitted treatment works, or by land application, the applicable effluent standards and limitations for the surface water discharge of the process wastewater shall be adjusted to reflect the reduced waste.

(a) If none of the waste from a particular process is discharged into surface waters and effluent limitations guidelines provide separate allocation for wastes from that process, all allocations for the process shall be eliminated from calculation of permit effluent limitations or standards.

(b) Except as provided in paragraphs 62-620.620(4)(a), (c) and (d), F.A.C., effluent limitations for subsection (4) of this section shall be adjusted by multiplying the effluent limitation derived by applying effluent limitation guidelines to the total waste stream by the amount of wastewater flow to be treated and discharged into surface waters, and dividing the result by the total wastewater flow. Effluent limitations and standards so calculated shall be further adjusted to make them less stringent if a variance for fundamentally different factors is granted pursuant to Rule 62-620.800, F.A.C., or to make them more or less stringent if discharges to injection wells, publicly owned treatment works, or by land application change the character or treatability of the pollutants being discharged to receiving waters. This method may be algebraically expressed as: $P = (E \times N)/T$ where P is the permit effluent limitation, E is the limitation derived by applying effluent guidelines to the total waste stream, N is the wastewater flow to be treated and discharged to surface waters, and T is the total wastewater flow.

(c) Paragraphs (4)(a) and (b) of this section do not apply to the extent that promulgated effluent limitations guidelines control concentrations of pollutants discharged but not mass, or specify a different specific technique for adjusting effluent limitations to account for disposal through an injection well, land application, or disposal into a separately permitted treatment works.

(d) Paragraphs (4)(a) and (b) of this section do not alter a discharger's obligation to meet any more stringent requirements set forth in Rule 62-620.610 or 62-620.625, F.A.C.

(5) The permit shall, when appropriate, specify a schedule of compliance leading to compliance with Chapter 403, F.S., and Department rules.

(a) Any schedule of compliance under this section shall require compliance as soon as sound engineering practices allow, but not later than any applicable statutes or rule deadline.

(b) The first permit to a new source or a new discharger shall contain a schedule only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after commencement of construction but less than three years before commencement of the relevant discharge. For recommencing dischargers, a schedule shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before recommencement of discharge.

(c) If a permit establishes a schedule which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(d) The time between interim dates shall not exceed one year, except that in the case of a schedule for compliance with residuals use and disposal, the time between interim dates shall not exceed six months.

(e) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

62-620.625 Additional Conditions Applicable to Specific Categories of Facilities.

(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,
3. Five times the maximum concentration value reported for that pollutant in the permit application, or
4. The level established in the permit by the Department that exceeds the levels in subparagraphs (a)1., 2., and 3. of this section. The level established in the permit shall not exceed the technology-based treatment requirements appropriate to the permittee established in Chapter 62-660, F.A.C.

(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,
3. Ten times the maximum concentration value reported for that pollutant in the permit application, or
4. The level established in the permit by the Department that exceeds the levels in subparagraphs (b)1., 2., and 3. of this section. The level established in the permit shall not exceed the technology-based treatment requirements appropriate to the permittee established in Chapter 62-660, F.A.C.

(2) All domestic wastewater facilities shall provide notice to the Department of the following:

(a) Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of this chapter if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

(3) The notice required by subsection (2) above shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility.

(4) Reuse systems permitted under Chapter 62-610, Part III, F.A.C., also must meet the requirements of subsections (2) and (3) of this section.

(5) Use of the parameter CBOD5 in lieu of BOD5 in effluent limitations for domestic wastewater facilities shall be in accordance with 40 CFR 133.102(a)(4), unless a water quality based limitation for CBOD5 has been established for the discharge.

(6) Pursuant to Section 403.0882, F.S., the Florida Legislature has determined that it is in the public interest to promote alternative water supplies and brackish water demineralization as an alternative to withdrawals of groundwater and surface water. Within subsection 62-620.625(6), F.A.C., the terms “demineralization concentrate” and “concentrate” are used synonymously.

(a) The following provisions apply to all facilities that discharge demineralization concentrate, as defined in subsection 62-620.200(11), F.A.C.:

1. During preliminary siting considerations, it is recommended that water supply utilities or entities that propose to operate demineralization facilities evaluate concentrate disposal options potentially available in the project area.

2. Discharge of demineralization concentrate shall not commence until an individual wastewater treatment facility or activity permit or permit revision authorizing the discharge has been issued by the Department in accordance with the requirements of this Chapter.

3. Direct discharge of concentrate to waters shall require an individual wastewater facility permit under this Chapter using DEP Application Form 2DC Permit to Discharge Demineralization Concentrate, as referenced in subsection 62-620.910(18), F.A.C.

4. Blending of concentrate with wastewater from a Department permitted wastewater facility for purposes of treatment or disposal shall require a separate permit for the concentrate discharge unless the receiving wastewater facility permit is revised in accordance with the requirements of subsections 62-620.200(25) or (50), F.A.C., to incorporate all aspects of concentrate treatment or disposal and provide reasonable assurance that the discharge will meet applicable water quality standards.

5. Demineralization concentrate and reclaimed water may be blended, provided that the requirements in Rule 62-610.865, F.A.C., Blending of Demineralization Concentrate with Reclaimed Water, are met. Requirements for permitting, monitoring, operation, and other activities associated with the concentrate, reclaimed water, and blending of demineralization concentrate with reclaimed water that impact water quality shall be in accordance with Rule 62-610.865, F.A.C. If a single municipality or utility owns and operates both the water treatment facility that generates the concentrate and the domestic wastewater facility that produces the reclaimed water, a separate discharge permit is not required for the concentrate discharge facility, in accordance with paragraph 62-610.865(7)(b), F.A.C. In this case, however, the domestic wastewater permit must be revised to incorporate all aspects of demineralization concentrate blending, in accordance with the requirements of Rule 62-610.865, F.A.C.

6. A facility that discharges demineralization concentrate to ground water solely using underground injection wells for disposal shall not be required to obtain a permit under Chapter 62-620, F.A.C. However, the facility shall obtain an Underground Injection Control (UIC) permit that will include requirements for effluent and groundwater monitoring pursuant to the requirements of Chapter 62-528, F.A.C.

7. Except for facilities that discharge concentrate solely using underground injection wells for disposal, as provided in subparagraph 62-620.625(6)(a)6., F.A.C., a facility that discharges demineralization concentrate to groundwater under this chapter shall establish a groundwater monitoring plan in accordance with the requirements of Rule 62-522.600, F.A.C. The groundwater monitoring plan shall include an evaluation of background water quality in the receiving water. Dimensions for the zone of discharge shall be in accordance with the requirements of Rules 62-522.400 and 62-522.410, F.A.C.

8. Except as provided for small water utility businesses in paragraph 62-620.625(6)(b), F.A.C., demineralization concentrate effluent discharged to surface waters shall be monitored for the following parameters: flow; dissolved oxygen; pH; hydrogen sulfide; specific conductance; total dissolved solids; color; aluminum (marine waters only); bromide; calcium; chloride; copper; fluoride; iron; magnesium; potassium; sodium; combined radium 226 and 228; gross alpha particle activity (including radium 226, but excluding radon and uranium); nitrate as nitrogen; nitrite as nitrogen; un-ionized ammonia as nitrogen; ammonia-ammonium as nitrogen; total nitrogen; total organic nitrogen; total phosphorus; and ortho-phosphate. Requirements for toxicity monitoring shall be in accordance with paragraph 62-620.625(6)(c), F.A.C.

9. Except as provided for small water utility businesses in paragraph 62-620.625(6)(b), F.A.C., demineralization concentrate effluent discharged to groundwater shall be monitored for the following parameters: flow; total dissolved solids; chloride; fluoride; sodium; nitrate as nitrogen; nitrite as nitrogen; combined radium 226 and 228; and gross alpha particle activity (including radium 226, but excluding radon and uranium).

10. Except as provided for small water utility businesses in paragraph 62-620.625(6)(b), F.A.C., demineralization concentrate facilities discharging to groundwater, other than UIC disposal, shall monitor the following parameters at groundwater monitoring wells: total dissolved solids; chloride; sodium; nitrate as nitrogen; nitrite as nitrogen; combined radium 226 and 228; and gross alpha particle activity (including radium 226, but excluding radon and uranium).

11. If the result of a gross alpha particle activity analysis in demineralization concentrate effluent, or at a groundwater monitoring well, is less than 5 Picocuries/liter, analysis for radium 226 and 228 shall not be required for that sample.

12. Except as provided for small water utility businesses in paragraph 62-620.625(6)(b), F.A.C., demineralization concentrate discharges shall be monitored at the following frequencies:

Flow, pH, and dissolved oxygen	Daily
Radioactive substances	Quarterly
Other parameters	Monthly
Groundwater monitoring wells	Quarterly

13. The Department shall increase or decrease monitoring requirements based on the initial characteristics of the source water and receiving water provided with the permit application in order to protect receiving water quality, as necessary.

14. In accordance with Section 403.061(11)(b)4., F.S., mixing zones for chronic toxicity may be permitted in Outstanding Florida Waters for demineralization concentrate discharges permitted under this section provided that the failure of any whole effluent toxicity test on concentrate discharged by the facility meets the criteria of Section 403.0882(4)(a) and (b), F.S.

(b) The following provisions apply only to small water utility businesses:

1. Discharge of demineralization concentrate from small water utility businesses is presumed to be allowable and permissible in all waters provided that the conditions of Sections 403.0882(6)(a)1., 2., and 3., F.S., are met.

2. Small water utility businesses that discharge demineralization concentrate to groundwater, and which meet the criteria referenced in subparagraph 62-620.625(6)(b)1., F.A.C., shall not be required to have more than: one upgradient, one downgradient intermediate, and one downgradient compliance monitoring well.

3. All small water utility businesses that meet the criteria in subparagraph 62-620.625(6)(b)1., F.S., shall:

a. Meet the following effluent limitations on an annual average basis, pursuant to Section 403.0882(6)(a)1., F.S.:

Carbonaceous Biochemical Oxygen Demand, Five Day (CBOD ₅)	5 mg/l
Total Suspended Solids	5 mg/l
Total Nitrogen as N	3 mg/l
Total Phosphorus as P	1 mg/l

b. Monitor demineralization concentrate discharged to surface water for the following parameters, except that toxicity testing shall be conducted in accordance with paragraphs 62-620.625(6)(c) and (d), F.A.C.: concentrate discharge flow; pH; dissolved oxygen; total suspended solids; total nitrogen; total phosphorus; and carbonaceous biochemical oxygen demand.

c. Monitor demineralization concentrate discharged to groundwater, at a minimum, for the following parameters: concentrate discharge flow; total dissolved solids; sodium; total nitrogen; nitrate as nitrogen; total phosphorus; and carbonaceous biochemical oxygen demand. If the result of a total nitrogen analysis is less than 3 mg/l, analysis for nitrate shall not be required.

d. Monitor the following parameters at groundwater monitoring wells: total dissolved solids; sodium; and nitrate as nitrogen.

4. Small water utility businesses that discharge demineralization concentrate to waters, and which do not meet the presumption of permissibility and allowability in subparagraph 62-620.625(6)(b)1., F.A.C., shall:

a. Monitor demineralization concentrate discharged to surface water for the following parameters: concentrate discharge flow; pH; dissolved oxygen; radioactive substances (combined radium 226 and 228); radioactive substances (gross alpha particle activity including radium 226, but excluding radon and uranium); total nitrogen; total phosphorus; carbonaceous biochemical oxygen demand; total suspended solids; and fecal coliforms, if fecal coliforms are present in the source water. Toxicity testing shall be conducted in accordance with paragraph 62-620.625 (6)(c), F.A.C.;

b. Monitor demineralization concentrate discharged to groundwater for the following parameters: concentrate discharge flow; total dissolved solids; sodium; chloride; radioactive substances (combined radium 226 and 228); radioactive substances (gross alpha particle activity including radium 226, but excluding radon and uranium); total nitrogen; nitrate as nitrogen; nitrite as nitrogen; total phosphorus; and carbonaceous biochemical oxygen demand; and

c. Monitor the following parameters at groundwater monitoring wells: total dissolved solids; chloride; sodium; nitrate as nitrogen; nitrite as nitrogen; radioactive substances (combined radium 226 and 228); and radioactive substances (gross alpha particle activity including radium 226, but excluding radon and uranium).

5. All small water utility businesses that discharge demineralization concentrate to waters shall be monitored at the following frequencies:

Flow, pH, and dissolved oxygen	Daily
Radioactive substances	Annually
Other parameters	Quarterly
Groundwater monitoring wells	Semi-annually

(c) The following provisions apply to toxicity testing at all facilities that discharge demineralization concentrate to surface waters, except as provided by paragraph 62-620.625(6)(d), F.A.C.:

The provisions of Section 403.0882(4), F.S., and paragraph 62-4.244(3)(d), F.A.C., apply to all facilities that discharge demineralization concentrate to surface waters where the failure of a whole effluent toxicity test is predominantly due to naturally occurring constituents in a source water and where ionic imbalance is demonstrated. Facilities whose failure of whole effluent toxicity testing is not due to ionic imbalance may be permitted in accordance with Department rules, including applicable moderating provisions, such as variances, exemptions, and mixing zones.

(d) The Department shall not require small water utility businesses discharging to surface waters to perform toxicity testing, except at the time of permit application, permit renewal, permit revision, or upon the failure of a toxicity test.

Specific Authority 403.061, 403.087, 403.088, 403.0882(3), 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.061, 403.087, 403.088, 403.0882, 403.0885 FS. History—New 11-29-94, Amended 2-7-06, 7-10-06.

62-620.630 Additional Permit Conditions for Domestic Wastewater Facilities.

(1) Each domestic wastewater facility permit which includes construction of new facilities, or substantial modification of existing facilities, shall contain the permit conditions listed in subsections (2) through (11) of this rule. These conditions apply to an entire treatment plant or to individual unit processes, as appropriate. If individual unit processes are to be placed into operation at different times, the documentation required in subsection (2) of this rule shall be submitted for each unit process or combination of unit processes at the time they are placed into operation. This rule does not apply to collection and transmission systems which are permitted under Chapter 62-604, F.A.C.

(2) Except for reuse systems permitted under Part III of Chapter 62-610, F.A.C., the permittee shall submit notification of completion of construction on DEP Form 62-620.910(12) prior to placing the newly constructed or modified portion of an existing facility into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, and shall:

(a) Provide notification to the Department on DEP Form 62-620.910(12) that construction has been completed to the point where the facilities are functionally complete. The notification shall be prepared by the project design engineer or an engineer who has been retained by the permittee to provide professional engineering services during the construction phase of project completion. The engineer shall certify that the facilities have been constructed substantially in accordance with the permit and the approved preliminary design report and application materials or that any deviations will not prevent the system from functioning in compliance with the requirements of Chapter 62-600, F.A.C. The engineer shall note and explain substantial deviations from the approved preliminary design report and application materials. The notification shall be based upon on-site observation of construction, scheduled and conducted by the engineer or by a project representative under his direct supervision, for the purpose of determining that the work proceeded in compliance with the approved preliminary design report and application materials. This notification does not constitute a certification of final completion of construction. Additional construction may be needed to satisfy all conditions of the construction contract documents; and

(b) Provide notification to the Department on DEP Form 62-620.910(13) that a draft operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, is available at a specified location. This document shall contain instructions for the start-up, operation, and maintenance of the facilities during this initial operation period.

(3) Upon placing a facility in operation, the facility shall be operated under the supervision of an operator certified in accordance with Chapter 62-602, F.A.C. All facility operations shall provide for the minimum care and maintenance of the facility in accordance with Chapters 62-600 and 62-699, F.A.C.

(4) Reuse systems permitted under Chapter 62-610, Part III, F.A.C., shall not be placed in service for any purpose without written approval from the Department. For projects identified in the permit as being constructed in phases, written permission is only required for the first phase. Written application shall be made using the appropriate form from Rule 62-610.300, F.A.C. The following items shall be submitted in support of a request to place a Part III reuse system into operation:

(a) Notification of completion pursuant to paragraph 62-620.630(2)(a), F.A.C., except that certification shall be provided on DEP Form 62-610.300(4)(a)3. instead of DEP Form 62-620.910(12);

(b) Notification that an appropriate draft operation and maintenance manual, addition to the plant operation and maintenance manual, or separate instruction booklet is available pursuant to paragraph 62-620.630(2)(b), F.A.C., except that certification shall be provided on DEP Form 62-610.300(4)(a)3., instead of DEP Form 62-620.910(13);

(c) Documentation of approval of an operating protocol pursuant to Chapter 62-610, F.A.C.; and

(d) Documentation of acceptance of a cross-connection control program pursuant to Chapter 62-610, F.A.C.

(5) Upon placing a facility in operation, effluent data shall be submitted to the Department on a monthly basis and in accordance with Chapter 62-601, F.A.C.

(6) Upon placing a facility in operation, residuals treatment, management, and disposal shall be consistent with methods identified in the permit and other supporting documentation.

(7) Within six months after a facility is placed in operation, the permittee shall provide written certification on DEP Form 62-620.910(13) that record drawings pursuant to Chapter 62-600, F.A.C., and that an appropriate operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available in a specified location.

(8) Domestic wastewater facility monitoring requirements shall be established in accordance with Chapters 62-600, 62-601, 62-610, 62-611, and 62-640, F.A.C., as applicable.

(9) Operation and maintenance requirements for domestic wastewater treatment facilities shall be established in accordance with the applicable requirements of Chapters 62-600, 62-610, 62-611, 62-640, and 62-699, F.A.C.

(10) Permits for projects regulated under Chapter 62-610, Part III, F.A.C., shall include:

(a) Designation of the general areas to be irrigated using reclaimed water.

(b) Designation of major users of reclaimed water. A major user of reclaimed water is a site, such as a golf course, that will use at least 0.1 mgd of reclaimed water.

(c) Identification of other approved uses of reclaimed water and the conditions under which such uses may be practiced, such as toilet flushing, fire protection, construction dust control, and aesthetic uses.

(11) A reuse and land application system permit shall contain limitations on flow and quality of reclaimed water to be applied and shall list appropriate monitoring requirements. Reuse and land application system permits shall also contain limitations on flow and quality of water being discharged from the reuse and land application system and shall list appropriate monitoring requirements.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 10-23-00, 12-23-04.

PART V GENERAL AND GENERIC PERMITS

62-620.705 Procedures for General Permits.

(1) A general permit shall be issued upon adoption as a rule and shall be modified by rule revision or revoked by repeal of the rule.

(2) The procedures to obtain and use a general permit under Section 403.814, F.S., are set forth in Part III of Chapter 62-4, F.A.C.

(3) Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the Department without any agency action. When no agency action is taken, unless the Department or the applicant publishes notice of the application, the provisions of Chapter 120, Florida Statutes, granting to affected parties the right to an administrative hearing do not apply.

Specific Authority 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended 10-23-00.

62-620.710 Procedures for All Generic Permits.

(1) A generic permit shall be issued upon adoption as a rule under Chapter 62-621, F.A.C., and shall be modified by rule revision or revoked by repeal of the rule.

(2) As an alternative to individual permits, the Department may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department shall issue a generic permit to regulate such a category of wastewater facilities or activities only if they all:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices;

(c) Require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal; and

(d) Require the same or similar monitoring.

(3) An NPDES generic permit for a discharge regulated under this chapter pursuant to Section 403.0885, F.S., shall be forwarded to the EPA for review and approval before adoption. The EPA shall have 90 days from the date of receipt to comment upon, make recommendations with respect to the proposed generic permit, concur or to object to the adoption of the generic permit. If EPA objects, the Department shall revise the proposed generic permit as requested or shall withdraw the proposed generic permit.

(4) Persons wishing to use a generic permit shall notify the Department on forms adopted by the Department or in writing as specified in the generic permit, and submit the appropriate fee set forth in Rule 62-4.050, F.A.C. They shall describe the proposed project, and include supporting documents depicting the proposed project, its location, and other pertinent information required by the generic permit to demonstrate that they qualify for the requested permit. Notice to the Department of the proposed use shall be filed with the appropriate district office of the Department, or as specified in the generic permit or Chapter 62-621, F.A.C. Persons wishing to use a generic permit are hereby placed on notice that projects undertaken without proof of notice to the Department shall be considered as being undertaken without a permit and shall be subject to enforcement pursuant to Section 403.161, F.S.

(5) A proposed project which may be reasonably expected to violate water quality standards or which will not meet the public interest requirements set forth in Section 403.088(2)(b), F.S., shall not be entitled to use of a generic permit.

(6) The Department shall determine whether to require any person using or proposing to use a generic permit to apply for and obtain an individual permit in accordance with 40 CFR 122.28(b)(3).

(7) Suspension, revocation and reissuance, and termination of the use of a generic permit shall be in accordance with Chapter 120, F.S., and Rule 62-620.345, F.A.C.

(8) Unless otherwise required as part of a specific category of generic permit, persons qualifying for the use of a generic permit are not required to, but may, publish in a newspaper of generic circulation in the area affected by the proposed project a public notice. The public notice, if published, shall follow substantially the format in subsection 62-620.550(1), F.A.C., and shall be published within 14 days of the date when the Department receives notification pursuant to subsection (4) of this section. No person who has published notice shall begin the project until after the 21 days for requesting a hearing has passed or a hearing is held and a decision is rendered.

Specific Authority 403.087, 403.0885, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04.

62-620.715 Conditions for All General and Generic Permits.

(1) General conditions for general permits under Section 403.814, F.S., are set forth in Rule 62-540, F.A.C.

(2) General conditions for generic permits under Section 403.0885 or 403.087, F.S., are set forth in Rule 62-621.250, F.A.C.

Specific Authority 403.087, 403.0885, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04.

PART VI VARIANCES

62-620.800 Variances for Discharges Regulated Pursuant to Section 403.0885, F.S.

(1) Variances under Section 301(h) of the CWA from the requirements of Section 301(b)(1)(B) of the CWA shall be in accordance with the requirements of 40 CFR Part 125, subpart G.

(2) Variances under Section 302(b)(2) of the CWA from the requirements of Section 302(a) of the CWA for achieving water quality based effluent limitations.

(3) Variances based on the presence of fundamentally different factors from those on which the effluent limitations guideline was based shall be in accordance with 40 CFR Part 125, subpart D.

(4) Variances from the BAT requirements of Section 301(b)(2)(F) of the CWA for non-conventional pollutants pursuant to section 301(c) of the CWA because of the economic capability of the permittee, or pursuant to Section 301(g) of the CWA.

(5) Variances extending compliance dates for facilities installing innovative technology under Section 301(k) of the CWA shall be in accordance with 40 CFR Part 125, subpart C.

(6) Variances under Section 302(b)(2) of the CWA from requirements of Section 302(a) of the CWA for achieving water quality related effluent limitations.

(7) Variances under Section 316(a) of the CWA for thermal components of any discharges shall be in accordance with 40 CFR Part 125, subpart H. Applicants may request the special procedures for decisions on thermal variance in accordance with 40 CFR Section 124.66.

(8) Other variance procedures and moderating provisions under Chapter 403, F.S., and Department rules are available to applicants for a wastewater facility or activity permit such as those set forth in Chapters 62-4, 62-110, 62-302 and 62-660, F.A.C.

(9) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., contains additional information on the variances listed above.

Specific Authority 403.061(31), 403.8055 FS. Law Implemented 403.051, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 10-23-00.

PART VII FORMS

62-620.910 Forms and Instructions.

The forms and instructions used by the Department for the wastewater facilities or activities permitting and compliance program are listed in this part. Copies of the forms and instructions may be obtained at the Department District Offices. The Department adopts and incorporates by reference in this section the following forms and instructions:

- (1) Wastewater Facility or Activity Permit Application Form 1, General Information, effective July 10, 2006.
- (2) Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility, effective June 1, 2001.
- (3) Wastewater Application Form 2B, Permit to Discharge Wastewater From Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities, effective December 8, 2003.
- (4) Wastewater Application Form 2CG, Permit to Discharge Process Wastewater from New or Existing Industrial Wastewater Facilities to Ground Water, effective November 29, 1994.
- (5) Wastewater Application Form 2CS, Permit to Discharge Process Wastewater from New or Existing Industrial Wastewater Facilities to Surface Water, effective November 29, 1994.
- (6) Wastewater Application Form 2EG, Permit to Discharge Non-Process Wastewater to Ground Water, effective November 29, 1994.
- (7) Wastewater Application Form 2ES, Permit to Discharge Non-Process Wastewater to Surface Water, effective November 29, 1994.
- (8) Application Form 2F, Permit to Discharge Stormwater Associated with Industrial Activity, effective October 23, 2000.
- (9) Application for Minor Revision to a Wastewater Facility or Activity Permit, effective October 23, 2000.
- (10) Discharge Monitoring Report (DMR), effective November 29, 1994.
- (11) Application for Transfer of a Wastewater Facility or Activity Permit, effective October 23, 2000.
- (12) Notification of Completion of Construction for Wastewater Facilities or Activities, effective October 23, 2000.
- (13) Notification of Availability of Record Drawings and Final Operation and Maintenance Manuals, effective October 23, 2000.
- (14) Wastewater Application Form 2CR, Permit to Operate a Non-Discharging/Closed Loop Recycle System, effective November 29, 1994.
- (15) Reclaimed Water or Effluent Analysis Report, effective July 1, 1991.
- (16) Request for Approval of Monitoring Plans for Discharge of Domestic Wastewater to Wetlands, effective August 15, 1986.
- (17) No Exposure Certification for Exclusion from NPDES Stormwater Permitting, effective June 1, 2001.
- (18) Application Form 2DC, Permit to Discharge Demineralization Concentrate, effective July 10, 2006.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00, 6-1-01, 12-8-03, 7-10-06.