Southwest Florida
Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
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170 Century Boulevard
Bartow, Florida 33830-7700
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1-800-492-7862 (FL only)
SUNCOM 572-6200

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
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Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
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Executive Director
Gene A. Heath
Assistant Executive Director
William S. Bilenky
General Counsel

June 4, 2004

David M. Lukcic, P.E.
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

Subject: Final Agency Action Transmittal Letter
General Water Use Permit No. 20006233.005

Dear Mr. Lukcic:

Your Water Use Permit has been approved. Final approval is contingent upon no objection to the District's action being received by the District within the time frames described below.

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), and Chapter 28-106, Florida Administrative Code (F.A.C.), of the Uniform Rules of Procedure. A request for hearing must (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action; (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C., are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a 'Noticing Packet' that provides information regarding District Rule, 40D-1.1010, F.A.C. which addresses the notification of persons having substantial interests that may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

Please be advised that the Governing Board has formulated a water shortage plan as referenced in Condition 4 of the Standard Water Use Permit Conditions (Exhibit A), and will implement such a plan during periods of water shortage. You will be notified during a declared water shortage of any change in the conditions of your Permit or any suspension of your Permit, or of any restriction on your use of water for the duration of any declared water shortage. Please further note that water conservation is a condition of your Permit and should be practiced at all times.

The ID tags for your withdrawals shall be installed by a District representative. This representative will attempt to contact you within 30 days to discuss placement of your tags. If you have any questions or concerns regarding your tags, please contact Bill Permenter at extension 2064, in the Tampa Regulation Department. If you have any questions or concerns regarding your permit or any other information, please contact this office at extension 4338.

Sincerely,

BJ Jarvis, Director
Records and Data Department

BJJ:mlc
Enclosures: Approved Permit, Rules 28-106.201 and 28-106.301, F.A.C., and Noticing Packet
cc: David M. Lukcic, P.E., Tampa Electric Company, Apollo Beach, FL

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE
GENERAL
PERMIT NO. 20006233.005

EXPIRATION DATE: June 4, 2014 **PERMIT ISSUE DATE: June 4, 2004**

THE PERMITTEE IS RESPONSIBLE FOR APPLYING FOR A RENEWAL OF THIS PERMIT PRIOR TO THE EXPIRATION DATE WHETHER OR NOT THE PERMITTEE RECEIVES PRIOR NOTIFICATION BY MAIL. FAILURE TO DO SO AND CONTINUED USE OF WATER AFTER EXPIRATION DATE IS A VIOLATION OF DISTRICT RULES AND MAY RESULT IN A MONETARY PENALTY AND/OR LOSS OF WATER. APPLICATION FOR RENEWAL PRIOR TO THE EXPIRATION DATE IS SUBJECT TO DISTRICT EVALUATION AND APPROVAL.

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined herein, and may require various activities to be performed by the Permittee as outlined by the Special Conditions. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance. This permit, subject to all terms and conditions, meets all District permitting criteria.

GRANTED TO: Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

COUNTY: Hillsborough

PROJECT NAME: Big Bend Station

WATER USE CAUTION AREA: Most Impacted Area - Southern

TYPE OF APPLICATION: Renewal **APPLICATION FILED:** December 22, 2003

APPLICATION AMENDED: N/A **ACRES:** 640 Owned

PROPERTY LOCATION: Hillsborough County, approximately 2 miles north of Apollo Beach; 0.5 mile west of intersection between Big Bend Road (County Highway 672) and U.S. Highway 41.

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)	
STANDARD ANNUAL AVERAGE[1]	234,000
PEAK MONTH[2]	2,000,000

1 Standard Annual Average: the annual average quantity for all uses. Irrigation quantities for non-plastic-mulched crops area based on historical average rainfall (5-in-10).

2 Peak Month: the highest amount of water in gallons needed during any month divided by the number of days per month.

Use	Standard Annual Average (gpd)	Peak Month (gpd)
Industrial/Commercial	234,000	2,000,000

FACILITY NAME

Big Bend Station

USE TYPE

Power Plant Boiler Feed and Makeup Water

I.D. NO. PERMITTEE/ DISTRICT	DIAM. (IN.)	DEPTH TTL./CSD. FT.	USE	GALLONS PER DAY AVERAGE	PEAK MONTH	
1 / 1	8	251 / 121	I	39,000	334,000	Standby
2 / 2	8	246 / 118	I	39,000	334,000	Standby
3 / 3	8	250 / 119	I	39,000	333,000	Standby
4 / 4	8	242 / 122	I	39,000	333,000	Standby
5 / 5	8	250 / 120	I	39,000	333,000	Standby
6 / 6	8	250 / 119	I	39,000	333,000	Standby

I = Industrial

DISTRICT I.D. NO.	LOCATION LAT./LONG.	SECTION/TOWNSHIP/RANGE
1	274740.92/822348.93	10/31/19
2	274744.32/822348.80	10/31/19
3	274748.24/822348.77	10/31/19
4	274752.54/822348.83	10/31/19
5	274757.27/822348.89	10/31/19
6	274801.26/822349.10	10/31/19

SPECIAL CONDITIONS:

All conditions referring to approval by the Regulation Department Director, Resource Regulation, shall refer to the Director, Tampa Regulation Department, Resource Regulation.

1. All reports required by the permit shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

   Permit Data Section, Records and Data Department
   Southwest Florida Water Management District
   2379 Broad Street
   Brooksville, Florida 34604-6899

   Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by the permit.

2. The Permittee shall investigate withdrawal related well complaints within the area specified in Attachment A. The complaint handling/mitigation procedure shall be as follows:

   A. Within 48 hours of complaint receipt by the Permittee, the Permittee shall perform a preliminary investigation and determine whether the Permittee's withdrawals may have caused the problem.
   B. If this preliminary assessment indicates that the Permittee may be responsible, the Permittee shall, within 72 hours of complaint receipt, supply the complainant with any water necessary for health and safety purposes, such as drinking water.
   C. If the detailed investigation confirms that the complainant's problem was caused by the Permittee's withdrawals, the complainant's problem shall be fully corrected within 15 days of complaint receipt. Full correction shall be restoration of the complainant's well to pre-impact condition or better, including the aspects of pressure levels, discharge quantity, and water quality. This detailed investigation shall include, but not be limited to, an analysis of water levels and pumpage impacts at the time of the complainant's problem, well and pump characteristics including depths, capacity, pump curves, and irrigation system requirements.
   D. If the resulting investigation determines that the Permittee was not responsible for the well problem, the Permittee shall document the reasons for this determination.
   E. The Permittee shall file a report of the complaint, the findings of facts, appropriate technical data, and any mitigating action taken or to be taken by the Permittee, to the Regulation Department Director, Resource Regulation, for review and approval within 20 days of the receipt of any complaint. The report shall include:

      1) The name and address of each complainant;
      2) The date and nature of the complaint;
      3) A summary of the Permittee's investigation;
      4) A summary of the Permittee's determination, including details of any mitigation activities; and
      5) Cost of mitigation activity for each complaint.

   A copy of the report shall also be sent to the complainant within 20 days of complaint receipt.

3. The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal shall be recorded on a monthly basis within the last week of the month. The meter readings shall be reported to the Permit Data Section, Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered as applicable:

   Permittees with existing permitted withdrawal facilities shall continue to maintain and operate existing, non-resettable, totalizing flow meters or other flow measuring devices as approved by the Regulation Department Director on District ID Nos. **1, 2, 3, 4, 5 and 6**, Permittee ID Nos. **1, 2, 3, 4, 5 and 6**.

   The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

   A. The meters shall be non-resettable, totalizing flow meters. If other measuring devices are proposed, prior to installation, approval shall be obtained in writing from the Regulation Department Director.
   B. The flow meters or other approved devices shall have and maintain an accuracy within five percent of the actual flow as installed.
   C. The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of issuance unless the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. The test shall be performed by a person certified in the equipment used. If the actual flow is found to be greater than 5% different from the measured flow, the Permittee shall have the meter re-calibrated or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
   D. The meter shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the line.
   E. If the meter or other flow measuring device malfunctions or has to be removed from the withdrawal for maintenance or repair, the Permittee shall notify the District within 30 days of discovering the necessity to replace or repair the meter and replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of its removal from the withdrawal.
   F. While the meter is off the withdrawal, the Permittee shall request instructions on how to estimate use from the Permit Data Section. The estimate of the number of gallons used each month during that period shall be submitted according to the instructions received from the District.
   G. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The Permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

4. Water quality samples shall be collected and analyzed, for parameters, and frequencies specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Permittee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, F.A.C., "Certification of Environmental Testing Laboratories". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table

below, or to a constant temperature, pH, and conductivity. In addition, the Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Regulation Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the Regulation Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

District ID No.	Permittee ID No.	Minimum Time (minutes)	Pumping Parameter	Sampling Frequency
2 and 6	2 and 6	10	Chlorides,	February, May,
7	18	18	Sulfates, and T.D.S.	August and November

Water quality samples shall be collected based on the following timetable:

Quarterly Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

5. The Permittee shall report to the Permit Data Section, Records and Data Department, existing connections to reclaimed water by Hillsborough County Water Department. New connections to reclaimed water shall be reported to the Permit Data Section, Records and Data Department, within 30 days of connection to the reuse source. The Permittee shall list the source name, location by latitude/longitude, and monthly quantities obtained in gallons, for each source, and submit this information to the Permit Data Section, Records and Data Department, by the 10th day of the following month, in conjunction with the monthly pumpage report.

6. The Permittee loses, or anticipates losing, the reclaimed water source for reasons beyond their control, or believes that the reclaimed water is no longer feasible to use, the Permittee may apply to modify this Water Use Permit to request full water use quantities for the permitted uses without being considered a new use impact to the Most Impacted Area (MIA), or considered under other future District adopted new use impact criteria. If the District finds the reasons for loss of the reclaimed water source to be acceptable and beyond the control of the Permittee, or that the reclaimed water source is no longer feasible to use, review of the modification for the determination of quantities to be permitted will include (with the exception of the aforementioned MIA new use impact area) an evaluation of all other District policies and rule criteria existing at the time of the modification request. If the District finds the reasons unacceptable, or not beyond the control of the Permittee, or the reasons why use is infeasible to be unacceptable, the District will evaluate the modification request with consideration of all rule criteria which could result in a denial of the modification. Upon initial determination that the reclaimed water source will no longer be used, the Permittee should immediately notify the District and apply for a modification. This should be done well in advance of terminating the use of the reclaimed water source to allow time for the processing of the permit modification. The Permittee shall include with the

modification request a detailed explanation as to why the reclaimed water source was lost, or will be lost, why the loss is beyond their control, or why the use of the reclaimed water is no longer feasible, and the date when the reclaimed water source will no longer be used.

7. The permitted quantities for the wells specified on the worksheet (DID Nos. 1 through 6) may only be accessed as standby source to replace reclaimed water currently being received on a regular basis (Hillsborough County Water Department), when that reclaimed water becomes unavailable due to possible unforeseen emergency circumstances at the supply source.

   If the reclaimed water being supplied is partially reduced due to emergency circumstances, that portion of the reclaimed water supply affected by the emergency conditions may be replaced by the Permittee's well withdrawals if acquisition of additional County-supplied potable water is not feasible or available.

   The quantities available for standby use are based on a projected down-time duration of 90 days. Availability of the quantities is not limited to a 90-day duration, but they are limited to the specified Annual Average limit. If the Annual Average limit will be exceeded during an emergency situation due to an emergency duration greater that 90-days, the Permittee may apply for modification for the permitted well quantities based on the longer duration of the emergency.

8. During times of actual Power Plant emergency use of water from the standby production wells, the District may require an increased sampling frequency of one or more of the wells in order to monitor potential aquifer water quality trends.

STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit "A" and made a part hereof.

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

40D-2
Exhibit "A"
WATER USE PERMIT CONDITIONS

STANDARD CONDITIONS

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, following notice and hearing.

2. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.

3. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.

4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

5. The District shall collect water samples from any withdrawal point listed in the permit or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

6. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

7. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

8. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.

9. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

10. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

11. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

12. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:

    A. A reduction in water levels which impairs the ability of the well to produce water;
    B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
    C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer water body.

13. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:

    A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;
    B. Sinkholes or subsidence caused by reduction in water levels;
    C. Damage to crops and other vegetation causing financial harm to the owner; and
    D. Damage to the habitat of endangered or threatened species.

14. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

15. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

16. The Permittee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

17. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

18. The annual average daily withdrawal quantity is determined by calculating the total quantity of water to be withdrawn over a 1-year period, divided by 365 days, which results in a gallons per day (gpd) quantity pursuant to Basis of Review, Section 3.2, Permitted Withdrawal Quantities. This is a running 12-month average, whereby each month the annual average daily quantity is recalculated based on the previous 12-month pumpage.

19. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the Board, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.

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Water Management District

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SUNCOM 578-2070

Watson L. Haynes II
Chair, Pinellas
Heidi B. McCree
Vice Chair, Hillsborough
Judith C. Whitehead
Secretary, Hernando
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Janet D. Kovach
Hillsborough
Patsy C. Symons
DeSoto

David L. Moore
Executive Director
Gene A. Heath
Assistant Executive Director
William S. Bilenky
General Counsel

June 30, 2004

David M. Lukcic, P.E.
Manager, Land and Water Programs
Environmental, Health and Safety
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601

Subject: **Final Agency Action Transmittal Letter - Approval Modification of Permit by Letter**

Project Name:	Tampa Electric Company (Big Bend Station)
Water Use Permit No.:	20006233.006
County:	Hillsborough
Section/Township/Range:	10/31/19

Reference: Chapter 40D-2, Florida Administrative Code (F.A.C.)
Section 40D-2.331(2)(b), F.A.C.

Dear Mr. Luckcic:

The District modified Water Use Permit (WUP) No. 20006233.005 effective this date, and this letter constitutes Final Agency Action (FAA) for WUP No. 2006233.006. The specific modifications are listed in Attachment A, and are considered a part of your water use permit.

You, or any person whose substantial interests are affected by the District's action regarding your application may object to this Final Agency Action by requesting an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), and Chapter 28-106, F.A.C. of the Uniform Rules of Procedure. Your request for hearing must be received by the Agency Clerk of the District at its Brooksville address within 21 days of the receipt of this letter. Receipt is deemed to be the fifth day after the date on which this letter is deposited in the United States mail. Other persons may request a hearing within 21 days of the publication of a notice that this letter modification has been issued. Any request for hearing must (1) explain how each petitioner's substantial interest will be affected by the District's action, or proposed action; (2) state all material facts disputed by the petitioner or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C. Failure to file a request for hearing within the appropriate time period shall constitute a waiver of any right you or anyone has to request a hearing under Sections 120.569 and 120.57, F.S.

S.W.F.W.M.D.
JUL 7 2004
RECORDS & DATA

Enclosed is a "Noticing Packet" that explains the procedures for providing notice to persons having substantial interests that may be affected by the District's action regarding your permit. The packet contains information and guidelines on the noticing procedure and a form that you may use.

Mediation pursuant to Section 120.573, F.S. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

If you have any questions regarding this permit modification, please contact Ed Kouadio, P.G., at the Tampa Regulation Service Office. If you have any questions regarding the Noticing Packet, please contact Myra Ford in the Records and Data Department at the Brooksville Office.

Sincerely,

Alba E. Más, P.E., Director
Tampa Regulation Department

AEM:elb
Attachment: Attachment A
Enclosure: Noticing Packet
cc: Data Room, Records and Data
File of Record
Ed Kouadio, P.G., SWFWMD
Yolanda Velasquez, SWFWMD
Maureen Barton, SWFWMD
Teri Rhodes, SWFWMD
Gerry Colas, SWFWMD
Adriano Alcoz, TECO

ATTACHMENT A

MODIFICATIONS

The following constitutes modifications to the terms and conditions of Water Use Permit 20006233.005, effective June 30, 2004.

1. The Special Condition designated No. 4 on Water Use Permit No. 20006233.005, which requires water quality sampling and reporting, is hereby deleted.

All other terms and conditions of your previous water use permit, including the expiration date, shall remain in effect as stated, unless changed above.

6/04/14