

**TATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Seminole Electric Cooperative, Inc.
PO Box 272000
Tampa, FL 33688-2000

PERMIT NUMBER:

FL0044229 (Major)

PA FILE NUMBER:

FL0044229-007-IWB

ISSUANCE DATE:

September 24, 2009

EXPIRATION DATE:

September 24, 2014

RESPONSIBLE AUTHORITY:

Mr. Michael Opalinski
Sr. Vice President of Strategic Services

FACILITY:

Richard J. Midulla Generating Station
6697 County Road 663
Bowling Green, FL 33834-6817
Hardee County

Latitude: 27° 38' 31.94" N Longitude: 81° 57' 28.53" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached and specifically described as follows:

The Richard J. Midulla Generating Station (formerly known as Payne Creek Generating Station) is located on a 1,300-acre site at the Polk and Hardee County lines west of County Road 663. The Richard J. Midulla Generating Station consists of two combined-cycle electrical generating units with a shared steam turbine-electrical generator and five dual turbine simple-cycle units. Midulla Generating Station is a base loaded unit with a combined nominal capacity of 500 megawatts (MW). Each simple-cycle unit consists of two combustion turbines with a common electrical generator. The five simple-cycle units, with a combined nominal capacity of 310 MW, are used during peak electrical demand. All units use natural gas as its primary fuel source, with low sulfur distillate oil (No. 2 fuel oil) serving as a backup source. Cooling water for the facility is provided by a 570-acre cooling reservoir. The cooling reservoir has been designed to operate as a closed-loop circulation cooling water system that discharges during extreme or cumulative storm events in excess of the 10-year, 24-hour storm event.

WASTEWATER TREATMENT:

Low volume waste generated during the operation of the Richard J. Midulla Generating Station will be treated prior to discharge to the on-site cooling reservoir. Treatment of the various low volume waste streams will consist of chemical neutralization, sedimentation, oil and grease removal and/or biological treatment.

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EFFLUENT DISPOSAL:

Surface Water Discharge:

This permit authorizes discharge from an existing Outfall D-001 – Cooling Reservoir Overflow. Outfall D-001 discharges to Payne Creek (WBID 1757B), a Class III Fresh water, and is authorized to discharge after rainfall events exceeding the 10-year, 24-hour storm. The point of discharge is located approximately at latitude 27° 38' 26" N, longitude 81° 58' 23" W.

This permit authorizes discharge from an existing Outfall D-003 – Storm Water Detention Pond Overflow. Outfall D-003 discharges to Payne Creek (WBID 1757B), a Class III Fresh water, and is authorized to discharge after rainfall events exceeding the 10-year, 24-hour storm. The point of discharge is located approximately at latitude 27° 38' 00" N, longitude 81° 58' 00" W.

Internal Outfalls:

This permit authorizes discharge from an existing internal Outfall I-002 to the cooling reservoir and is located approximately latitude 27° 38' 00" N, longitude 81° 58' 25" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 26 of this permit.

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge cooling reservoir overflow from Outfall D-001¹ to Payne Creek from extreme or cumulative storms in excess of the 10-year, 24-hour rainfall event (includes Outfall I-002 and condenser cooling water). Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Condition I.E.3.:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Maximum	Annual Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	--	--	Daily, When Discharging	Calculated	FLW-1 FLW-3
Temperature (F), Water (DEG.F)	98.0 (See Condition I.A.3)	--	--	Weekly, When Discharging ²³	Grab	EFF-1
	Report	--	--	Weekly, When Discharging	Grab	SWU-1
Temp. Diff. between EFF-1 and SWU-1 (ΔT) (DEG.F)	17.0 (See Condition I.A.3 & 5)	--	--	Weekly, When Discharging	Grab	CAL-1
pH (SU)	9.92 (See Condition I.A.3)	--	6.0 (Minimum)	Weekly, When Discharging ²³	Grab	EFF-1
	Report (See Condition I.A.4)	--	--	Weekly, When Discharging	Grab	SWU-1
				Semiannually	Grab	IMP-1
Beryllium, Total Recoverable (UG/L)	--	0.13	--	Weekly, When Discharging	Grab	EFF-1
			Report (See Condition I.A.6) (Single Sample)	Semiannually	Grab	IMP-1
Oxygen, Dissolved (DO) (MG/L)		--	Report (Daily Minimum)	Weekly, When Discharging	Grab	EFF-1
Solids, Total Dissolved (TDS) (MG/L)	Report	--	--	Weekly, When Discharging	Grab	EFF-1
				Semiannually	Grab	IMP-1

¹ See Condition I.E.10.

² Three samples shall be taken the first day of each discharge; thereafter, the frequency of monitoring shall be once per week during the discharge event. At least one of the three samples shall be taken between 12:00 – 4:00 pm the day of monitoring. Also, each subsequent weekly sample shall be taken between 12:00 – 4:00 pm.

³ Permittee shall collect samples at least three hours apart.

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	Discharge Limitations			Monitoring Requirements		
Parameters (units)	Daily Maximum	Annual Average	Other	Monitoring Frequency	Sample Type	Sample Point
Oxidants, Total Residual (MG/L)	0.01	--	--	Weekly, When Discharging	Grab	EFF-1
Temperature (C), Water (DEG.C)	Report (See Condition I.A. 4)	--	--	Weekly, When Discharging	Grab	EFF-1 SWU-1
				Semiannually	Grab	IMP-1
Nitrogen, Ammonia, Total (as N) (MG/L)	Report (See Condition I.A. 4)	--	--	Weekly, When Discharging	Grab	EFF-1 SWU-1
				Semiannually	Grab	IMP-1
Ammonia, Total Unionized (as NH ₃) (MG/L)	0.40 (See Condition I.A.3 & 4)	--	--	Weekly, When Discharging	Calculated	EFF-1
Ammonia, Total Unionized (as NH ₃) (MG/L)	Report (See Condition I.A.3 & 4)	--	--	Weekly, When Discharging	Calculated	SWU-1
				Semiannually	Calculated	IMP-1
Nitrogen, Kjeldahl, Total (as N) (MG/L)	Report			Weekly, When Discharging	Grab	EFF-1 SWU-1
				Semiannually	Grab	IMP-1
Nitrite plus Nitrate, Total 1 det. (as N) (MG/L)	Report			Weekly, When Discharging	Grab	EFF-1 SWU-1
				Semiannually	Grab	IMP-1
Nitrogen, Total (MG/L)	Report	--	--	Weekly, When Discharging	Calculated	EFF-1 SWU-1
				Semiannually	Calculated	IMP-1
Whole Effluent Toxicity	See Condition I.A.10			Annually	Grab	EFF-1
Chlorophyll a (MG/L)	Report	--	--	Semiannually	Grab	IMP-1
Phosphate, Ortho (as PO ₄) (MG/L)	Report	--	--	Semiannually	Grab	IMP-1
Phosphorus, Total (as P) (MG/L)	Report	--	--	Semiannually	Grab	IMP-1
Arsenic, Total Recoverable (UG/L)	Report (See Condition I.A.6)			Semiannually	Grab	IMP-1
Cadmium, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Copper, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Maximum	Annual Average	Other	Monitoring Frequency	Sample Type	Sample Point
Cyanide, Total (as CN) (MG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Iron, Total Recoverable (MG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Lead, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Mercury, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Nickel, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Selenium, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Silver, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Zinc, Total Recoverable (UG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Alpha, Gross Particle Activity (PCI/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Radium 226 + Radium 228, Total (PCI/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1
Turbidity (NTU)	Report	--	--	Semiannually	Grab	IMP-1
Hardness, Total (as CaCO ₃) (MG/L)	Report (See Condition I.A.6)	--	--	Semiannually	Grab	IMP-1

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

Sample Point	Description of Monitoring Location
FLW-1	Calculated flow, discharge for the cooling reservoir.
FLW-3	Calculated flow, upstream from the point of discharge in Payne Creek at Station "U".
EFF-1	Point of discharge from the cooling reservoir prior to mixing with any other waste stream or the receiving waters.
SWU-1	Upstream from the point of discharge in Payne Creek. Same as Station "U", as described in the submitted Plan of Study (<i>Plan of Study for Mixing Zone Evaluation</i> , June 2008).

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Sample Point	Description of Monitoring Location
IMP-1	Within the cooling reservoir at the cooling water intake.
CAL-1	Calculated value for the temperature difference between the point of discharge (EFF-1) and the upstream monitoring point (SWU-1).

3. Mixing zones for the following water quality criterion have been granted in Payne Creek, extending downstream (length) and out into (width) the creek at the point of discharge. Compliance with the effluent limitations in Condition I.A.1 above will provide demonstration that the Florida Surface Water Quality Criterion pursuant to 62-302.530, F.A.C. will be achieved at the edge of the approved mixing zones:

Water Quality Criterion	Effluent Limitation	Length of Mixing Zone (meters)	Width of Mixing Zone (meters)
pH (SU)	9.92	4.7	2.1
Temperature (F), Water	98.0	34.6	5.9
Temp. Diff. between Sample and Upstrm (ΔT)	17.0	34.6	5.9
Nitrogen, Ammonia, Total unionized (as NH_3) (MG/L)	0.40	34.9	5.9

Notwithstanding the limitations in Condition I.A.1, effluent from this outfall shall not cause an exceedance of Water Quality Standards (WQS) criteria contained in Chapter 62-302, F.A.C. at the edge of the mixing zones. Compliance with these limitations shall be deemed met without additional monitoring, if effluent sampling results are less than or equal to those provided in Condition I.A.1.

4. Samples for pH and temperature (grab) shall be taken simultaneously with each total ammonia grab sample. Un-ionized ammonia shall be calculated in accordance with the procedure provided by the Department (refer to the website www.dep.state.fl.us/labs/library/index.htm). All measured values for pH, temperature, and total ammonia used to calculate an un-ionized ammonia value shall be reported as an attachment to the Discharge Monitoring Report (DMR). All calculated un-ionized ammonia values shall be reported on the attachment. The daily maximum and monthly average values for un-ionized ammonia for each reporting period shall be reported on the DMR.
5. An effluent grab sample for temperature shall be taken with each upstream grab sample for temperature. All measured values for effluent and upstream temperature used to calculate "Temp. Diff. between Sample and Upstrm (ΔT)" value shall be reported as an attachment to the Discharge Monitoring Report (DMR). The daily maximum and monthly average values for ΔT for each reporting period shall be reported on the DMR.
6. If the concentrations of any of the above parameters that are monitored in the reservoir (except pH, Unionized Ammonia, and Temperature) should reach 80% of the Class III fresh WQS in Chapter 62-302, F.A.C., the permittee shall conduct follow-up monitoring for the elevated parameters. The follow-up monitoring shall begin within two weeks of receiving results from the original sampling event and shall consist of three additional grab samples to be taken once every two weeks. If the results of any of the follow-up samples exceed 80% of the WQS the permittee shall notify the Department in writing and provide the results of all follow-up samples. WQS for the total recoverable metals shall be based upon the hardness of the sample, in accordance with 62-302.530, F.A.C. Upon such notification, the Department may require the permittee to provide a Plan of Action (POA) for ensuring compliance with applicable WQSs at the point of discharge from the cooling reservoir. The POA should consider treatment alternatives, source reduction of the pollutant(s) of concern and applicability of moderating provisions such as mixing zones. Additional sampling to support a mixing zone evaluation will include in-stream monitoring upstream and downstream of the point of discharge to the cooling reservoir. The permittee shall submit the results of all sampling events conducted in accordance with Rule 62-620.610(18), F.A.C.

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7. Discharge of seepage water from the Reservoir as a point source to any stream that enters surface waters of the State (except back into the reservoir) is not authorized by this permit.
8. This permit authorizes the use of sodium bromide in the condenser cooling system in conjunction with sodium hypochlorite.
9. This permit authorizes the discharge from the cooling reservoir only in the case of extreme or cumulative rainfall in excess of a 10-year, 24-hour event rainfall event. The permittee shall, to the maximum extent possible, maintain the necessary freeboard within the cooling reservoir to accommodate such extreme or cumulative rainfall.
10. The permittee shall comply with the following requirements to evaluate acute whole effluent toxicity of the discharge from Outfall D-001.
 - a. Effluent Limitation
 - (1) Whole effluent acute toxicity shall not exceed in any routine or in any additional follow-up test an LC50 of less than 100% effluent. *[Rules 62-302.200(1), 62-302.500(1)(a)4., 62-4.244(3)(a), and 62-4.241(1)(a) or 2(a), F.A.C.]*
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once per year upon the first discharge event that occurs each year from Outfall D-001 lasting at least six hours.
 - c. Sampling Requirements
 - (1) All tests shall be conducted on a single grab sample of final effluent.
 - d. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent.
 - (2) The permittee shall conduct 96-hour acute static renewal multi-concentration toxicity tests using the daphnid, *Ceriodaphnia dubia*, and the bannerfin shiner, *Cyprinella leedsi*, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct acute toxicity testing in accordance with the revised method.
 - (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-012, Table 7.
 - e. Quality Assurance Requirements
 - (1) A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly acute toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.

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- (2) If the mortality in the control (0% effluent) exceeds 10% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated. The repeat test shall begin within 14 days after the last day of the invalid test.
- (3) If 100% mortality occurs in all effluent concentrations prior to the end of any test and the control mortality is less than 10% at that time, the test (including the control) shall be terminated with the conclusion that the test fails and constitutes non-compliance.
- (4) Additional follow-up tests shall be evaluated for acceptability based on the concentration-response relationship, as required by EPA-821-R-02-012, Section 12.2.6.2., and included with the bioassay laboratory reports.

f. Reporting Requirements

- (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine Test Results: If an LC50 >100% effluent occurs in the test for the test species, ">100%" shall be entered on the DMR for that test species. If an LC50 <100% effluent occurs, the calculated LC50 effluent concentration shall be entered on the DMR for that test species.
 - (b) Additional Follow-up Test Results: For each additional test required, the calculated LC50 value shall be entered on the DMR for that test species and the 95% confidence limits.
- (2) A bioassay laboratory report for the routine test shall be prepared according to EPA-821-R-02-012, Section 12, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
- (3) For additional follow-up tests, bioassay laboratory reports shall be prepared according to EPA-821-R-02-012, Section 12, and mailed within 30 days after the last day of each additional follow-up test.
- (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
- (5) The same bioassay data shall not be reported as the results of more than one test.
- (6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, Florida 33637

g. Test Failures

- (1) A test fails when the test results do not meet the limits in 10.a.(1).
- (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the acute toxicity limitation in 10.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 10.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed. If there is no discharge, the additional follow-up test shall be conducted during the next discharge event, according to 10.b.(1).
 - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent. The permittee may

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modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-012.

- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
- (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 10.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 10.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-012, a repeat test shall be initiated within 14 days after the last day of the invalid routine test.
 - (f) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 10.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive valid routine whole effluent toxicity tests.

If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 14 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of terminating the plan.

- (4) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for whole effluent toxicity permit limit violations.

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

11. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge storm water detention pond overflow from Outfall D-003 to Payne Creek from extreme or cumulative storms in excess of the 10-year, 24-hour rainfall event. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Condition I.E.3.:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Maximum	Monthly Average	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	--	--	Weekly, When Discharging	Calculated	FLW-4
Solids, Total Suspended (MG/L)	50.0	--	--	Weekly, When Discharging	Grab	EFF-2
pH (SU)	8.5	--	6.0	Weekly, When Discharging	Grab	EFF-2

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12. Effluent samples shall be taken at the monitoring site locations listed in permit Condition I.A.11 and as described below:

Sample Point	Description of Monitoring Location
FLW-4	Calculated flow, discharge from the detention pond.
EFF-2	Discharge from the detention pond prior to mixing with any other waste stream or discharge to the receiving waters.

13. The permittee shall maintain a record of daily rainfall at the power plant site. Daily rainfall amounts in excess of the 10-year, 24-hour rainfall event shall be reported as an attachment to the Discharge Monitoring Report (DMR).
14. The permittee shall maintain the total pond volume between the bottom of the pond to the weir equal to a 10-year 24 hour rainfall event. The permittee shall, to the extent possible, maintain the maximum amount of freeboard within the detention pond so as to preclude discharge except during extreme or cumulative rainfall events.
15. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge treated low volume wastes and RO reject water from Internal Outfall I-002 to the cooling reservoir. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Condition I.E.3.:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Average	Daily Maximum	Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Monthly	Instantaneous	FLW-5
Oil and Grease (MG/L)	15.0	20.0 ⁴	--	Monthly	Grab	OUI-1
Solids, Total Suspended (MG/L)	30.0	100.0 ⁴	--	Monthly	Grab	OUI-1
pH (SU)		9.0	6.0	Monthly	Grab	OUI-1

16. Effluent samples shall be taken at the monitoring site locations listed in permit Condition I.A.15 and as described below:

Sample Point	Description of Monitoring Location
FLW-5	Measured flow, discharge to the cooling reservoir.
OUI-1	Point of discharge from Outfall I-002 prior to discharge to the cooling reservoir.

17. There shall be no discharge of floating solids or visible foam in other than trace amounts.
18. The discharge shall not cause a visible sheen on the receiving water.

⁴ During any month in which only one sample is taken, the applicable limitations are those listed under "Daily Average."

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19. The permittee shall complete all work under the *Plan of Study for Mixing Zone Evaluation* submitted on June 2008 and approved by the Department in accordance with the schedule in Condition VI.2.
20. The permittee shall submit a hydrologic and hydraulic plan of study, within 60 days of the permit issuance date for Department approval, to establish a means of predicting the discharge duration from the cooling pond. The permittee shall complete all work under the Department- approved plan of study in accordance with the schedule in Condition VI.2.

B. Underground Injection Control Systems

This section is not applicable to this facility.

C. Land Application Systems

This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

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

When the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs and PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality

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criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is in accordance with 40 CFR 136.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method to assure compliance with applicable water quality standards and effluent limitations in accordance with 40 CFR Part 136. All monitoring shall be representative of the monitored activity.
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Southwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

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

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at both the address specified below and the address specified in Condition I.E.4:

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

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Southwest District Office at the address specified below:

Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, FL 33637

Phone Number - (813) 632-7600
FAX Number - (813) 632-7665 (All FAX copies shall be followed by original copies.)

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.

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6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
9. There shall be no discharge of floating debris, scum, oil, or other matter in such amounts as to form nuisances or produce color, odor, taste, turbidity, or other conditions to such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with Rules 62-302.500(1)(a) and 62-302.530(500)(b), F.A.C. Any such discharges to waters of the State shall be reported to the Department when submitting DMRs.
10. Outfall D-001 is included in this permit and in Permit No. FL0041751, issued to Hardee Power Partners Limited and both permittees are authorized to discharge from the cooling reservoir to Payne Creek via D-001. The two permittees are considered joint operators of the cooling reservoir with respect to discharges from D-001. In any civil action (judicial or administrative), the Department may allege that the joint operators are jointly and severally liable for penalties, damages, costs and expenses, or corrective actions for violations at D-001, and neither permittee shall assert as an affirmative defense that any violations at D-001 were caused by the conduct of the other permittee. This provision shall not limit or affect the rights, liability, claims, or defenses that the separate permittees may have in actions between themselves or with other parties, or in any criminal action arising out of separate permits.
11. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
12. There shall be no discharge of metal cleaning wastes to any effluent stream which discharges to surface waters of the State. "Metal cleaning wastes" means any wastewater resulting from cleaning (with or without chemical cleaning compounds) any metal process equipment whether due to preoperational or operational cleaning, including, but not limited to, cleaning of boiler tubes, boiler fireside, air pre-heaters, stacks, etc. This definition does not include exterior rinsing of process equipment. Any metal cleaning wastes disposed of off-site shall be disposed of in an environmentally acceptable manner and in compliance with all applicable Federal and State Regulations. Details of such disposal shall be provided to the Department not less than 30 days prior to any proposed metal cleaning waste disposal off-site
13. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to lakes, rivers, streams, or other waters of the United States is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit. Discharge of chlorine from the use of chlorine gas, sodium hypochlorite, or other similar chlorination compounds for disinfection in plant potable and service water systems and in sewage treatment is authorized in D-001, Cooling Reservoir discharge.

The company shall notify the Department in writing no later than six (6) months prior to instituting use of any biocide or chemical (except chlorine as authorized elsewhere in this permit) used in the cooling systems or any other portion of the treatment system which may be toxic to aquatic life. Such notification shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use

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- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without prior approval by the Department.

- 14. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- 15. The permittee is authorized to periodically perform up to four (4) times per year an acid injection procedure to remove scaling on the inside of the condenser cooling water tubes. During the acid injection procedure the permittee shall continuously monitor the condenser tube discharge with a pH meter at the point of discharge to the cooling reservoir. The pH of the discharge shall be maintained above 6.0 at all times. The permittee shall maintain records onsite and available for review upon inspection by the Department.

In addition, the permittee is authorized to continuously inject acid into the intake cooling water on an as needed basis in order to reduce the pH of the condenser intake water to approximately 7.0 standard units

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

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

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III. Ground Water Monitoring Requirements

The permittee shall comply with all ground water monitoring requirements as specified in the Conditions of Certification, PA 89-25.

IV. Additional Reuse and Land Application Requirements

This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and b. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Update Plan	Issuance Date of Permit + 3 Months

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Action Item		Scheduled Completion Date
2	Implement Plan	Issuance Date of Permit + 6 Months

2. The mixing zone study from Condition I.A.19 and the hydrologic and hydraulic study from Condition I.A.20 shall be implemented in accordance with the following schedule:

Action Item		Scheduled Completion Date
1	Completion of Mixing Zone Study	Issuance Date of Permit
2	Submission of Data Report and Mixing Zone Assessment Results	Issuance Date of Permit + 90 Days
3	Submission of Hydrologic and Hydraulic Plan of Study	Issuance Date of Permit + 60 Days
4	Submission of Results of Hydrologic and Hydraulic Study	365 Days Prior to Permit Expiration

3. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained Issuance Date of permit

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

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

- Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.
- Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) F.S., applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
- This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.
- The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

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B. Specific Conditions Related to Construction

This section is not applicable to this facility.

C. Duty to Reapply

The permittee shall apply for renewal of this permit at least 180 days before the expiration date of the permit using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. The existing permit shall not expire until the Department has taken final action on the application renewal in accordance with the provisions of 62-620.335(3) and (4), F.A.C.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

a. Definitions

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

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through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.

- (9) "BMP3" means a Best Management Practices Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. Best Management Practices/Pollution Prevention Plan

The permittee shall develop and implement a BMP3 plan for the facility, which is the source of wastewater and storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. BMP3 Plan Requirements

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
- (5) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct A waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 of this permit.

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If the permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 – Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training should also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the WMA which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.
- (3) A timetable for the various plan requirements follows:

Timetable for BMP3 Plan Requirements:

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

TIME FROM EFFECTIVE DATE OF THIS PERMIT

Complete WMA

6 months

Progress/Update Reports

3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

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

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

F. Reopener Clause

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

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

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, Department-approved changes in water quality standards, EPA-established Total Maximum Daily Loads (TMDL), or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), F.A.C.]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]

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8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*

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16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17), F.A.C.]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - 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 Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C.[62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department's Southwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the

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noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.(4) that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.(1) above, shall be provided to Department's Southwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southwest District Office shall waive the written report.

[62-620.610(20), F.A.C.]

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

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22. Bypass Provisions.

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

[62-620.610(22), F.A.C.]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the 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.

[62-620.610(23), F.A.C.]

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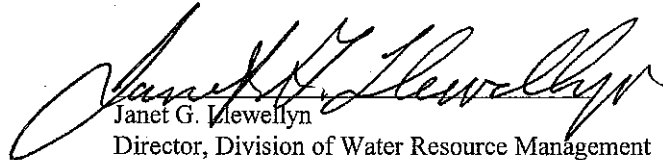
September 24, 2009

Expiration date:

September 24, 2014

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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