



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

MAILED
9 JUL 03 E/14

July 8, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

John T. Duff
Hardee Power Partners Limited
Post Office Box 111
Tampa, Florida 33601-0111

**RE: Hardee Power Station
Modification to Conditions of Certification
DEP Case Number PA 89-25D
OGC Case Number 03-0803**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Duff:

On December 20, 2002, the Department issued Industrial Wastewater Permit Number FL0041751 for the Hardee Power Station. Pursuant to Rule 62-17.211(4), Florida Administrative Code ("F.A.C.") the Department is required to modify the Conditions of Certification for this facility to conform them to the Industrial Wastewater permit.

On May 9, 2003, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on May 30, 2003, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly ("FAW"), and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested

modification has 30 days from the date of publication of the public notice in the FAW to object in writing; that pursuant to Rule 62-17.280(1)(c), F.A.C., failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue a Final Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Hardee Power Station are hereby modified as follows:

I. through II. No change.

III. SURFACE WATER DISCHARGES (HPPL)

A. Industrial Wastewater Permit Number FL0041751 which is attached as Appendix I, is incorporated by reference herein as part of this certification. The provisions of Industrial Wastewater Permit Number FL0041751 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Industrial Wastewater Permit Number FL0041751 as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

B. The outfall from the cooling reservoir to waters of the state (OSN 001) shall be used in common by all power generating facilities certified under certification Order No. 89-25SA and this certification. Discharges from OSN 001 are regulated by these certifications and by separate NPDES Permits issued to HPPL (NPDES Permit No. FL0041571 or as subsequently revised) and to SECI for Unit 3 (NPDES Permit No. FL0044229 or as subsequently revised). Both permittees (HPPL and SECI) are authorized to discharge from the cooling reservoir to Payne Creek via OSN 001. Both permittees are joint operators of the cooling reservoir with respect to discharges from OSN 001. In any civil action (judicial or administrative), EPA or DEP may allege that the joint operators are jointly and severally liable for penalties, damages, costs and expenses, or corrective actions for violations at OSN 001, and neither permittee shall assert as an affirmative defense any violations at OSN 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 the separate permits.

~~Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of Chapters 17-3, 17-4, 17-302, 17-650, and 17-660, Florida Administrative Code, and the following conditions of certification:~~

~~A. Plant Effluents and Receiving Body of Water~~

For discharges made from the HPS the following conditions shall apply:

1. ~~Receiving Body of Water (RBW)~~ The receiving body of water has been determined by the Department to be those waters of Payne Creek which are considered to be waters of the State within the definition of Chapter 403, Florida Statutes.

2. ~~Point of Discharge (POD)~~ The point of discharge has been determined by the Department to be where the effluent physically enters the waters of the State in Payne Creek from either the storm water runoff retention pond or the cooling reservoir; however, compliance monitoring will be required at the cooling pond overflow weir and the stormwater detention pond discharge pipes.

3. ~~Thermal Mixing Zones~~ The instantaneous zone of thermal mixing for the HPS cooling system shall not exceed a distance of 50 feet from the POD. The temperature at the POD into Payne Creek shall not be greater than 95 degrees F. The temperature of the water at the edge of the mixing zone shall not exceed the limitations of Section 17-3.05(1)(d), F.A.C.

4. ~~Chemical Wastes from HPS~~ All discharges of low volume wastes (demineralizer regeneration, floor drainage, labs drains, and similar wastes) shall be treated in an adequately sized and constructed treatment facility prior to discharge into the cooling reservoir.

5. ~~pH~~ The pH of the combined discharges to the cooling reservoir from Outfall Serial Number (OSN) 003 shall be such that the pH will fall within the range of 6.0 to 9.0 and any discharge from the reservoir at OSN 001 to Payne Creek shall not fall outside the 6.0 to 8.5 range.

6. ~~Polychlorinated Biphenyl Compounds~~ There shall be no discharge of polychlorinated biphenyl compounds.

7. ~~During the first 18 months, the Permittees shall monitor the cooling reservoir at the condenser cooling water intake for the following parameters in the manner prescribed. Upon completion of the 18 month monitoring period, the monitoring frequency may be decreased to once per year.~~

Parameter	Monitoring Requirements	
	Measurement Frequency	Sample Type
Total Dissolved Solids	1/month	grab
Turbidity (NTU)	1/month	grab
Ammonia Nitrogen	1/quarter	grab
Ammonia (unionized)	1/quarter	grab

Beryllium	1/quarter	grab
Cadmium	1/quarter	grab
Chlorophyll A	1/quarter	grab
Copper	1/quarter	grab
Cyanide	1/quarter	grab
Iron	1/quarter	grab
Lead	1/quarter	grab
Nitrogen, Total	1/quarter	grab
Nitrogen, Organic	1/quarter	grab
Mercury mg/L	1/quarter	grab
pH	1/quarter	grab
Selenium	1/quarter	grab
Silver	1/quarter	grab
Zinc	1/quarter	grab
Temperature	1/quarter	grab
TKN	1/quarter	grab
Ortho-phosphorus	1/quarter	grab
Total Phosphorus	1/quarter	grab

The results of the monitoring shall be submitted to the DEP Southwest District Office in Tampa within 45 days of collection. The Permittees shall maintain a summary of the results in the form of a yearly average for the life of the project. If any of the above parameters should reach 80% of the water quality criteria as contained in Chapter 62-302, F.A.C., the Permittees shall notify the department. The department may then require sampling on a monthly basis in the reservoir and in Payne Creek and may approve mixing zones for parameters that exceed criteria.

8. The Permittees shall monitor any discharge from the cooling reservoir at Outfall Serial Number 001 in the following manner:

Parameter	Monitoring Requirements
Flow (quantity and duration)	by Calculation during Discharge
Temperature	Twice per day during Discharge
Total Dissolved Solids	1/week during Discharge
Gross Alpha	1/week discharge grab
Radium 226	1/week discharge grab
Turbidity (NTU)	1/week discharge grab
Cadmium	1/week discharge grab
Cyanide	1/week discharge grab
Iron	1/week discharge grab
Lead	1/week discharge grab
Mercury mg/L	1/week discharge grab
Dissolved Oxygen	1/week discharge grab

pH	1/week discharge grab
Selenium	1/week discharge grab
Silver	1/week discharge grab
Zinc	1/week discharge grab

9. ~~Chemical Metal Cleaning~~ There shall be no discharge of metal cleaning wastes to the cooling reservoir. TPS shall arrange for a contractor to remove the wastes from site before or after treatment for disposal in a licensed facility.

10. ~~Storm Water Runoff~~ During construction and operation discharge from the storm water runoff collection system from a storm event less than the once in ten year, twenty four hour storm shall meet the following limits and shall be monitored at OSN 002 by a grab sample once per discharge, but not more often than once per week:

Discharge Limits	
Effluent Characteristic	Instantaneous Maximum
Flow (MGD)	Report
TSS (mg/l)	50
pH	6.0-8.5

a. ~~During plant operation, necessary measures shall be used to settle, filter, treat or absorb silt containing or pollutant laden storm water runoff to limit the suspended solids to 50 mg/l or less at OSN 002 during rainfall periods less than the 10 year, 24 hour rainfall.~~

b. ~~Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt, and sediment laden runoff. The pH shall be kept within the range of 6.0 to 8.5 in the discharge to the Payne Creek.~~

c. ~~Special consideration must be given to the control of sediment laden runoff resulting from storm events during the construction phase. Best management practices erosion controls should be installed early during the construction period so as to prevent the transport of sediment into surface waters which could result in water quality violations and Departmental enforcement action. Revegetation and stabilization of disturbed areas should be accomplished as soon as possible to reduce the potential for further soil erosion. Should construction phase runoff pose a threat to the water quality of state waters, additional measures such as treatment of impounded runoff of the use of turbidity curtains (screens) in on-site impoundments shall be immediately implemented with any releases to state waters to be controlled.~~

~~_____ d. It is necessary that there be an entity responsible for maintenance of the system.~~

~~_____ e. Correctional action or modification of the system will be necessary should mosquito problems occur.~~

~~_____ f. All swale and retention basin side slopes shall be seeded and mulched within thirty days following their completion and a substantial vegetative cover must be established within ninety days of seeding.~~

~~_____ 11. Steam System Blowdown Blowdown discharge from the steam electric generating system to the cooling reservoir shall be limited and monitored as specified below:~~

Effluent Characteristic	Discharge Limits		Monitoring Requirements	
	Daily Average	Daily Maximum	Sample Type	Measurement Frequency
TSS	30.0	30.0	grab	1/month
Oil and Grease	15.0	15.0	grab	1/month
Flow	Report	—	Calculation	1/month

~~_____ 12. Construction Dewatering~~

~~_____ a. Discharge of construction dewatering to Payne Creek in the event of once in ten year, 24 hour or greater storm from outfall serial numbers 001 or 002 shall be limited and monitored as specified below:~~

Effluent Characteristic	Discharge Limits	Monitoring Requirements	
	Instantaneous Maximum	Measurement Frequency	Sample Type
Flow - m ³ /day (MGD)	—	daily	Totalizer Calculation
Turbidity (NTU)	—	1/week	grab
TSS mg/l	50.0	1/week	grab
pH	6.0-9.0	1/week	grab

~~_____ b. Project discharge descriptions Dewatering water, outfalls 001 or 002, includes all surficial groundwater extracted during all excavation construction on site for the purpose of installing structures, equipment, etc. Discharges to the storm water runoff sedimentation pond at a location to be depicted on an appropriate engineering drawing to be submitted to DEP and SWFWMD. Final discharge after treatment is to Payne Creek. The permittee shall report to DEP the date that construction~~

dewatering is expected to begin at least one week prior to the commencement of dewatering.

c. If the storm water run-off detention pond should discharge more frequently than once per year during construction, then the following parameters shall be monitored at OSN 002 at least once per week per discharge:

Parameter	Sample Type
Cadmium	grab
Cyanide	grab
Gross alpha	grab
Iron	grab
Oil and grease	grab
Mercury	grab
Radium 226	grab
Selenium	grab
Silver	grab

13. ~~Mixing Zones~~ The discharge of the following pollutants shall not violate the Water Quality Standards of Chapter 62-302, F.A.C., beyond the edge of the designated mixing zones, which shall be 200 feet from the point of discharge (POD). For purposes of compliance monitoring, the following limitations shall apply at the POD:

Parameter	Limit at POD
Cadmium	2.6 µg/l
Cyanide	0.01 mg/l
Mercury	0.5 µg/l
Selenium	32.0 µg/l
Silver	0.8 µg/l
Gross alpha	22.2 pCi/l
Radium 226	6.2 pCi/l
Turbidity	31 NTU
Iron	—
Lead	—
Zinc	—

The Secretary of DEP may authorize alternative mixing zones for the above parameters in accordance with Condition XXI upon a demonstration that such mixing zone would not interfere with beneficial use of the creek.

14. Sanitary wastes from the HPS shall be collected and treated in an appropriately designed domestic wastewater treatment plant. The Permittee shall fill out the appropriate DEP application for a domestic wastewater treatment facility.

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~~including the design specifications for the proposed facility and shall submit such application and specifications to the DEP Southwest District Office for approval at least 90 days prior to start of construction of that facility.~~

~~_____ B. _____ Water Monitoring Programs~~

~~_____ 1. _____ The necessity and extent of continuation for any water monitoring program may be modified in accordance with Condition No. XXI, Modification of Conditions.~~

~~_____ 2. _____ Chemical Monitoring The parameters described in Condition III.A. shall be monitored during discharge as described in Condition III.A. commencing with the start of construction or operation of the HPS and reported quarterly to the Southwest District Office.~~

IV. through XLII. No change.

APPENDIX I. NPDES Permit No. FL0041751

(Copy of NPDES permit is attached)

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.



Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

Hardee Power Station
Order Modifying Conditions of Certification
DEP Case Number PA 89-25D
July 8, 2003

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Janda Karskows 7/8/03
Clerk Date

Attachment --

CC by U.S. mail:

Emeline C. Acton, Esquire
Frank Anderson, Esquire
James V. Antista, Esquire
Ralph Artigliere, Esquire
David E. Bruner, Esquire
Mark Carpanini, Esquire
Lawrence N. Curtin, Esquire
Robert V. Elias, Esquire
John Fumero, Esquire
William H. Green, Esquire
Andrew S. Greyson, Esquire
Scott Goorland, Esquire
Michael P. Haymans, Esquire
David C. Hollomon, Esquire
David LaCroix, Esquire
Renee Francis Lee, Esquire
R.E. Ludwig
John McWhirter, Esquire
Thomas W. Reese, Esquire
Gary Alan Vorbeck, Esquire
Ted Williams, Esquire
Jim Yaeger, Esquire
Sheauching Yu, Esquire
Doug Roberts. Esquire

CC by electronic mail:

Kathy Carter

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Hardee Power Partners Limited
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER:

FL0041751 Major

ISSUANCE DATE:

December 20, 2002

EXPIRATION DATE:

December 19, 2007

FACILITY:

Hardee Power Station
Combined Cycle Units 1 and 2
County Road 663
Fort Green, FL 33834

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

OPERATION: The facility consists of one nominal 220 Megawatt (Mw) Combined Cycle Unit (Hardee Unit 1) and one 75 Mw combustion turbine (CT) for a total nominal capacity of 295 Mw. Phase 1-B for the facility includes the addition of one nominal 75 Mw CT and one nominal 70 Mw heat recovery steam generator which in combination with the existing nominal 75 Mw CT would complete the second nominal 220 Mw Combined Cycle (Hardee Unit 2). 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. The plant is fueled by natural gas (with oil as back-up).

TREATMENT FACILITIES: Low volume waste, contaminated runoff from fuel oil storage areas, and domestic wastewater generated during the operation of the Hardee Units 1 and 2 will be treated prior to discharge to the on-site cooling reservoir. Treatment of the various low volume waste streams will consist of neutralization, sedimentation, and oil and grease removal. Contaminated runoff from fuel oil storage areas will be routed through an oil/water separator. Domestic wastewater will receive secondary biological treatment.

Operation and treatment of domestic wastewater consists of the following:

Operation of an existing 0.006 mgd 3-month average daily flow Type III extended aeration domestic wastewater treatment plant (WWTP) consisting of the following units: an on-site lift station; a headworks consisting of a flow diversion box, a coarse bar screen and a comminutor; a single aeration basin of 6,700 gallons volume; a single clarifier of approximately 1,800 gallons capacity and a surface area of 20 ft²; a chlorine contact chamber of approximately 200 gallons volume, with flow through tablet disinfection; a single aerobic digester of approximately 1,800 gallons volume; and a single effluent pumping station. Effluent from the plant is pressure dosed to the reuse system described below. Residuals from the plant are disposed of by transport to a permitted Residuals Management Facility.

PERMITTEE:

Hardee Power Station Units 1 & 2
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER: FL0041751**ISSUANCE DATE:** December 20, 2002**EXPIRATION DATE:** December 19, 2007**EFFLUENT DISPOSAL:****Surface Water Disposal:**

This permit authorizes the discharge from Outfall D-001- Cooling Reservoir Overflow; Outfall D-002 - Storm Water Detention Pond Overflow; and Outfall I-003 - Treated Low Volume Wastes. Outfall D-001 and D-002 discharge to Payne Creek, a Class III fresh water. Outfall I-003 is an internal discharge that discharges to the cooling reservoir.

Outfall D-001 - Latitude: 27° 38' 26", Longitude: 81° 58' 23"

Outfall D-002 - Latitude: 28° 38' 03", Longitude: 81° 57' 55"

Outfall I-003 - Latitude: 27° 38' 28", Longitude: 81° 57' 58"

Discharge of Treated Domestic Wastewater:

Industrial Reuse: R-001 - An existing 0.006 mgd annual average daily flow permitted capacity industrial reuse system consisting of a 570 acre power plant cooling reservoir. This is an industrial usage allowed under Rule 62-610.650, F.A.C. in which the effluent is used to augment industrial process waters. Reuse system R001 is located approximately at latitude 27° 38' 16" N, longitude 81° 57' 52" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Pages 1 through 26 of this permit.

PERMITTEE:
Hardee Power Station Units 1 & 2
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER: FL0041751
ISSUANCE DATE: December 20, 2002
EXPIRATION DATE: December 19, 2007

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from **Outfall D-001 - Cooling Reservoir Overflow**¹ to Payne Creek from extreme or cumulative rainfall in excess of a 10-year, 24-hour rainfall event (includes Outfall I-003 and condenser cooling water).

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
	Instantaneous Maximum	Sampling Frequency	Sample Type	Sample Point
Flow, MGD	Report	1/day during discharge	Calculation	FLW-1
Flow, MGD	Report	Once per discharge ²	Calculation	FLW-2, FLW-3
Temperature, °F	95.7 ³	2/day	Grab	EFF-1
Temperature, °F	Report	Once per discharge ²	Grab	SWU-1, SWD-1
pH, standard units	See item c. below	Once per discharge ²	Grab	EFF-1
pH, standard units	Report	Once per discharge ²	Grab	SWU-1, SWD-1
Beryllium, µg/l	1.6 ³	Once per discharge ²	Grab	EFF-1
Beryllium, µg/l	Report	Once per discharge ²	Grab	SWU-1, SWD-1
Dissolved Oxygen, mg/l	Report	Once per discharge ²	Grab	EFF-1
Total Dissolved Solids, mg/l	Report	Once per discharge ²	Grab	EFF-1
Total Residual Chlorine, mg/l	0.01	Once per discharge ²	Grab	EFF-1
Additional Monitoring	See item d. below	1/six months	Grab	IMP-1

¹ Hardee Power Partners, LTD (HPP) and Seminole Electric Cooperative, Inc. (SECI) jointly occupy the Hardee Power Station site. SECI owns and operates a new 500 megawatt (MW) combined cycle power plant (Unit 3) which is authorized to discharge to waters of the State pursuant to NPDES permit No. FL0044229. HPP owns and operates Units 1 and 2 which have a buildout capacity of 440 MW. Both permittees will jointly operate the Cooling Reservoir which discharges via Outfall D-001. See Specific Condition I.C.6.

² Sampling shall be once per week if the discharge is continuous for more than one week.

³ Notwithstanding the limitations above, effluent from this outfall shall not cause an exceedance of Water Quality Standards criteria contained in Section 62-302 of the Florida Administrative Code (FAC) at the edge of the mixing zone (extending 50 feet downstream from the point where the discharge waters first enter the Payne Creek flow channel) (except for temperature which extends 75 feet) for: temperature (92.0°F); temperature rise [5.0°F instantaneous maximum increase above ambient (natural) temperature] and total recoverable beryllium (0.00013 mg/l). Compliance with these limitations shall be deemed met without additional monitoring, if effluent sampling results are less than or equal to those provided in I.A.1.a of this section. The mixing zones previously granted for cyanide, iron, radioactivity (gross alpha and radium 226 and 228), cadmium, copper; lead, mercury; selenium, silver, zinc, and turbidity have been suspended, as explained in the Fact Sheet to this permit.

PERMITTEE:
Hardee Power Station Units 1 & 2
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER: FL0041751
ISSUANCE DATE: December 20, 2002
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- b. The location of sampling points as specified above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-1	Calculated flow, discharge for the cooling reservoir.
FLW-2	Measured flow, downstream from the point of discharge in Payne Creek
FLW-3	Measured flow, upstream from the point of discharge in Payne Creek
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.
SWD-1	Downstream from the point of discharge in Payne Creek.
IMP-1	Within the cooling reservoir at the cooling water intake.

- c. The pH shall not be less than 6.0 standard units nor greater than 8.5 standards units⁴.
- d. The permittee shall conduct additional monitoring within the cooling reservoir once per six months for the following parameters: chlorophyll A; nitrogen (total ammonia, calculated un-ionized ammonia using field pH and temperature, total kjeldahl, and nitrite/nitrate); pH; phosphorus (orthophosphate and total phosphorus); temperature; beryllium; cadmium; copper; cyanide; iron; lead; mercury; selenium; silver; zinc; gross alpha; radium 226 and 228; total dissolved solids; turbidity (NTU); and hardness. If the concentrations of any of the above parameters that have a numerical water quality standard (WQS) (except pH, beryllium, and temperature) should reach 80% of the WQS as contained in Rule 62-302 FAC, 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. Upon such notification, the Department may require the permittee to provide a Plan of Action (POA) for ensuring compliance with applicable WQS's 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), FAC.
- e. 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.
- f. This permit authorizes the discharge from the cooling reservoir only in the case of a 10-year, 24-hour rainfall events or extreme cumulative rainfall events. The permittee shall, to the maximum extent practicable, maintain the necessary freeboard within the cooling reservoir to accommodate such extreme or cumulative rainfall.

⁴ The interim maximum pH limitation is 10.39. See Section VI.A.3 and attached Administrative Order AO010TL.

PERMITTEE:
Hardee Power Station Units 1 & 2
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER: FL0041751
ISSUANCE DATE: December 20, 2002
EXPIRATION DATE: December 19, 2007

2. During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from **Outfall D-002 - STORM WATER DETENTION POND OVERFLOW** to Payne Creek (includes runoff associated with industrial activities other than the fuel storage area runoff).
- a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Location
Flow, MGD	Report	Once per discharge ⁵	Calculation	FLW-4
Total Suspended Solids (mg/l)	50.0	Once per discharge ⁵	Grab	EFF-2
pH, standards units	See item d. below	Once per discharge ⁵	Grab	EFF-2

- b. The location of sampling points as specified above are as follows:

Monitoring Location	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.

- c. The permittee shall maintain a record of daily rainfall at the power plant site. Daily rainfall amounts in excess of the 10Y24H event shall be reported as an attachment to the Discharge Monitoring Report (DMR).
- d. The pH shall not be less than 6.0 standard units nor greater than 8.5 units.
- e. The detention pond volume when empty shall be adequate to retain the total volume of water equal to a 10-year 24-hour rainfall. The permittee shall, to the extent possible, maintain the maximum amount of freeboard within the detention pond.

⁵ Sampling shall be once per week if the discharge is continuous for more than one week.

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PERMIT NUMBER: FL0041751
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3. During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from **Outfall I-003 - TREATED LOW VOLUME WASTES** to the Cooling Reservoir. Low volume wastes are those wastes generated from "low volume waste sources" as defined in 40 CFR Part 423.11(b) plus storm water from the diked petroleum storage areas and treated domestic wastewater (Outfall R-001).

- a. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow, MGD	Report	Report	Continuous	Recorder	FLW-5
Oil and Grease, mg/l	15.0	20.0 ⁶	1/Month	Grab	OUI-1
Total Suspended Solids, mg/l	30.0	100.0 ⁶	1/Month	Grab	OUI-1
pH, standards units	See item c. below		1/Month	Grab	OUI-1

- b. The location of sampling points as specified above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-5	Measured flow, discharge to the cooling reservoir.
OUI-1	Point of discharge from Outfall I-003 prior to discharge to the cooling reservoir.

- c. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

⁶ During any month in which only one sample is taken, the applicable limitations are those listed under "Daily Average."

PERMITTEE:

Hardee Power Station Units 1 & 2
Post Office Box 111
Tampa, Florida 33601-0111

PERMIT NUMBER:

FL0041751

ISSUANCE DATE:

December 20, 2002

EXPIRATION DATE:

December 19, 2007

B. Reuse and Land Application Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge reclaimed domestic wastewater to the cooling reservoir via **Industrial Reuse System R-001**. Such reclaimed water shall be limited and monitored by the permittee as specified below:

[62-600, 12-24-96] [62-601, 12-24-96] [62-610, 08-08-99]

Parameter	Units	Max./Min.	Reclaimed Water Limitations				Monitoring Requirements		
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number
Flow (R001)	mgd	Maximum	0.006 (See Item I.B.4 below)	-	-	-	Daily, 5/week Rolling Annual Average	Calculated	FLW-6
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	20.0	30.0	NA	60.0	1/month	Grab	OUI-2
Total Suspended Solids	mg/L	Maximum	20.0	30.0	NA	60.0	1/month	Grab	OUI-2
Fecal Coliform Bacteria	See Permit Condition I.B.6. below						1/month	Grab	OUI-2
pH	std. Units	Range	-	-	-	6.0-8.5	Daily, 5/week	Grab	OUI-2
Total Residual Chlorine (For Disinfection)	mg/L	Minimum	-	-	-	0.5 (See Item I.B.7 below)	Daily, 5/week	Grab	OUI-2

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2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the domestic treatment facility influent shall be limited and monitored by the permittee as specified below:
[62-601.300(1), 12-24-96]

Limitations									
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number
Flow (Total Plant)	mgd	Maximum	-	0.006 (See Item I.B.4 below)	-	-	Daily, 5/week Report Monthly	Calculated Rolling 3 Mo Avg	FLW-06
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Report Only	-	-	-	-	Monthly	Grab	INF-1
Total Suspended Solids	mg/L	Report Only	-	-	-	-	Monthly	Grab	INF-1

3. The location of sampling points as specified in I.B.1 and I.B.2 above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-6	Flow measurement point at master lift station (pump rates/hour meters).
OUI-2	Final effluent, after disinfection at outlet from Chlorine Contact Chamber, and prior to discharge to R001.
INF-1	At or prior to inlet to aeration basin, prior to treatment and ahead of any return flows.

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4. The annual average daily discharge flow to Industrial Reuse System R001 shall not exceed 0.006 mgd calculated as a 12 month rolling annual average. The 3 month average daily flow through the WWTP shall not exceed 0.006 mgd calculated as a 3 month rolling average.
5. Lift station pumping rates and hour meters shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(6), 12-24-96]
6. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of sample. The geometric mean of the fecal coliform values for a minimum of 10 samples, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-600.440(4)(c), 12-24-96]
7. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-600.440(4)(b), 12-24-96]
8. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4), 12-24-96]

C. Other Limitations and Monitoring and Reporting Requirements

1. The Sampling and Testing Methods and Method of Detection Limits applicable to this permit shall be in accordance with Department established and published approved analytical methods and corresponding Department established MDL's (method detection limits) and PQL's (practical quantification limits). The approved list, which is titled "Florida Department of Environmental Protection Table Required By Rule 62-4.246(4) Testing Methods for Discharge to Surface Water" dated June 21, 1996, is available from the Department upon request. Any method and corresponding MDL and PQL listed in the above described table may be used for reporting as long as it meets the following requirements;
 - a) The PQL for the specific parameter measured is less than or equal to the permit limit or the water quality criteria stated in the applicable section of 62-302 FAC. Parameters that are listed as "report only" in the permit shall use methods which provide a PQL which is equal to or less than the applicable water quality criteria stated in 62-302 FAC.
 - b) If the PQL's 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 available PQL shall be used.

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2. Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection
 Mail Station 3551
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The statement "No discharge" shall be written on the DMR form. If, during the term period of this permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

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

Florida Department of Environmental Protection
 Southwest District
 3804 Coconut Palm Drive
 Tampa, Florida 33618-8318
 Phone Number (813) 744-6100

4. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department **Discharge Monitoring Reports (DMRs)** in accordance with the frequencies specified by the **REPORT** type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below:

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 30	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

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302.530(500)(b). Any such discharges to waters of the State shall be reported to the Department when submitting DMR's.

6. Outfall D-001 is included in this permit and in NPDES Permit No. FL0044229, issued to Seminole Electric Cooperative, Inc. (SECI) and both permittees are authorized to discharge from the Cooling Reservoir to Payne Creek via D-001. HPP is currently discharging into the cooling reservoir. Upon commencement of discharges to the reservoir by SECI, the two permittees will become joint operators of the Cooling Reservoir with respect to discharges from D-001. In any civil action (judicial or administrative), FDEP 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.
7. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
8. 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 (including all rinse waters) 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 preheaters, 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.
9. 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. Discharge of hydrazine in HRSG blowdown via D-001 is authorized.

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 or hydrazine 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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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.

10. 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.

II. Sludge Management Requirements

Industrial Sludge

1. Industrial sludge produced by the operation of Units 1 and 2 shall be removed from site and disposed of in a solid waste management facility permitted by the Department.
2. The disposal of industrial 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.

Domestic Sludge

3. The treatment, disposal, storage, and/or handling of residuals, septage, or other solids from the domestic wastewater treatment plant shall be in accordance with the following:
 - a) If residuals are disposed in a solid waste landfill, only a Class I or II landfill will be used. The method of residuals use or disposal by this facility is transport to the Blue Septic Tank Service, Inc. Residuals Management Facility (FLA16189) for further treatment and disposal, or disposal in a Class I or II solid waste landfill.
 - b) The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals. [62-640.300(5), 03-30-98]
 - c) The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility has an agreement in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. [62-640.300(5), 03-30-98]
 - d) Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. [62-640.100(6)(k)3&4, 03-30-98]
 - e) If the permittee intends to accept residuals from other facilities, a permit revision is required pursuant to Rule 62-640.880(2)(d), F.A.C. [62-640.880(2)(d), 03-30-98]

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- c. Degree of Treatment (if applicable)
- d. Name and ID Number of Residuals Management Facility or Treatment Facility

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided to the residuals management facility or treatment facility upon delivery of the residuals. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4), 03-30-98]

III. Ground Water Monitoring Requirements

1. 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

1. Advisory signs shall be posted around the portion of the industrial site in which reclaimed water is used and at the main entrances to the industrial site. [62-610.658(1), 08-08-99]
2. Cross-connections to the potable water system are prohibited. [62-610.660(1), 08-08-99]
3. There shall be readily identifiable "non-potable" or "do not drink" notices, marking, or coding on application/distribution facilities and appurtenances. [62-610.660(2), 08-08-99]

V. Operation and Maintenance Requirements

A. Domestic Wastewater Treatment Plant

Staffing Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapters 61E12-41, F.A.C. or 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class D or higher operator for 2 non-consecutive visits per week, for a total of 1 hour per week. The lead operator must be a Class D operator, or higher.

2. A certified operator shall be on call during periods the plant is unattended. Daily checks of the plant shall be performed by the permittee or his representative or agent 5 days per week. [62-699.311(1), 05-20-92]

Capacity Analysis Report and Operation and Maintenance Performance Report Requirements

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Recordkeeping Requirements

5. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and 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, including evidence of most recent calibration or certification of flow measurement system and RPZ backflow preventers;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
 - e. A copy of the current permit;
 - f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
 - g. A copy of the facility record drawings;
 - h. Copies of the licenses of the current certified operators; and
 - i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350, 12-24-96] [61E12-41.010(1)(e), 07-15-96] [62-602, 12-30-99]

B. Operation of Industrial Treatment and Disposal Facilities

Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.

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- 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. Compliance Schedules and Self-imposed Improvement Schedules

A. Schedule of Compliance

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
 - a. Operational level attained.....Issuance Date (ID) of permit
 - b. Best Management Practices Pollution Prevention Plan (BMP3)(See Part VII, Subpart D)
 - (1) Update plan..... ID of permit plus 3 months
 - (2) Implement plan..... ID of permit plus 6 months
2. No later than 14 calendar days following a date identified in the above schedule 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.
3. This permit is being issued in conjunction with Administrative Order # AO010TAL which sets forth an interim maximum limitation and compliance schedule for the water quality parameter pH. The permittee shall comply with the terms and conditions of AO010TAL, which is hereby incorporated by reference.

VII. Other Specific Conditions

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2. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited. *[62-604.130(3), 12-26-96]*
3. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. *[62-604.550, 12-26-96] [62-620.610(20), 03-02-00]*
4. The acceptance, by the operating authority of a collection/transmission system or by the permittee of a treatment plant, of connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in treatment plant discharges having temperatures above 40°C is prohibited. *[62-604.130(4), 12-26-96]*
5. The treatment facility shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-600.400(2)(b), 12-24-96]*
6. Disposal of screenings and grit from preliminary treatment components of wastewater treatment facilities, solids from sewer line cleaning operations, and solids from lift stations and pump stations shall be in accordance with Chapter 62-701, FAC *[62-640.100(6)(k)8., 03-30-98 and 62-701.300(1)(a), 04-23-97]*
7. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, FAC, if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be

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3. This permit satisfies industrial wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, FAC, and in the manner established in Chapter 62-620, FAC, and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, FAC
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices Pollution Prevention (BMP3) Plan Condition

1. Best Management Practices Plan :

In accordance with Rule 62-620.620(1)(n), FAC, the permittee shall develop and implement a BMP3 plan. References which may be used in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act", found at 40 CFR Section 122.44(k), the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

2. Definitions:

- a. The term "pollutants" refers to conventional, non-conventional and toxic pollutants, as appropriate for the NPDES storm water program and toxic pollutants.
- b. Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- c. Non-conventional pollutants are those which are not defined as conventional or toxic, such as phosphorus, nitrogen or ammonia. (Ref: 40 CFR Part 122, Appendix D, Table IV)

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required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.

- g. "Source reduction" means any practice which: i) reduces the amount of any pollutant entering a waste stream prior to recycling, treatment or disposal; and ii) 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, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- h. "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.
- i. "Reportable Quantity (RQ) Discharge" A RQ release occurs when a quantity of a hazardous substance or oil is spilled or released within a 24-hour period of time and exceeds the RQ level assigned to that substance under CERCLA or the Clean Water Act. These levels or quantities are defined in terms of gallons or pounds. Regulations listing these quantities are contained at 40 CFR 302.4, 40 CFR 117.21 and 40 CFR 110.
- j. 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.

3. 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. The plan shall be directed toward reducing those pollutants of concern which discharge, or could discharge, to surface waters to 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 and significant materials, 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 storm water, water and waste treatment, and plant ancillary activities.

4. Signatory Authority & Management Responsibilities:

A copy of the BMP3 plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

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- b. A site map - At a minimum the site map must include information of the following: discharge points ("outfalls"); drainage patterns; identification of the types of pollutants likely to be discharged from each drainage area; direction of flow; surface water bodies, including any proximate stream, river, lake, or other waterbody receiving storm water discharge from the site; structural control measures (physically constructed features used to control storm water flows); locations of "significant materials" exposed to storm water; locations of industrial activities (such as fueling stations, loading and unloading areas, vehicle or equipment maintenance areas, waste disposal areas, storage areas).
- c. A materials inventory including the types of materials that are handled, stored, or processed onsite, particularly significant materials. To complete the materials inventory, the permittee must list materials that have been exposed to storm water in the past 3 years (focus on areas where materials are stored, processed, transported, or transferred and provide a narrative description of methods and location of storage and disposal areas, materials management practices, treatment practices, and any structural/nonstructural control measures.
- d. A list of significant spills and leaks of toxic or hazardous materials that have occurred in the past 3 years. "Significant spills" includes releases in excess of reportable quantities.
- e. A summary of any existing storm water sampling data and a description of the sample collection procedures used.
- f. A site evaluation summary - The Site Evaluation Summary should provide a narrative description of activities with a high potential to contaminate storm water at the site, including those associated with materials loading and unloading, outdoor storage, outdoor manufacturing or processing, onsite disposal, and significant dust or particulate generating activities. The summary should also include a description of any pollutants of concern that may be associated with such activities.
- g. A narrative description of the following BMP's:
 - (i) - Good Housekeeping Practices
 - (ii) - Preventive Maintenance The permittee must develop a preventive maintenance program that involves inspections and maintenance of storm water management devices and routine inspections of facility operations to detect faulty equipment. Equipment (such as tanks, containers, and drums) should be checked regularly for signs of deterioration.
 - (iii) - Visual Inspections Regular inspections shall be performed by qualified, trained plant personnel. Reports shall note when inspections were done, the name of the person who conducted the inspection, which areas were inspected, what problems were found, and what steps were taken to correct any problems.
 - (iv) - Spill Prevention and Responses Areas where spills are likely to occur and their drainage points must

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polluted storm water. Examples include: vegetative swales, reuse of collected storm water, infiltration trenches, and detention ponds.

6. Best Management Practices & Pollution Prevention Committee:

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, implementing, monitoring of success, and revision of the BMP3 plan. 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.

7. Employee Training:

Employee training programs shall inform appropriate personnel 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, recordkeeping and reporting, spill prevention & response, as well as specific waste reduction practices to be employed. The plan shall identify periodic dates for such training.

8. Plan Review & Modification:

If following review by the Permit Issuing Authority, or authorized representative, the BMP3 plan is determined insufficient, he/she may notify the permittee that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Permit Issuing Authority, or authorized representative, the permittee shall amend the plan and shall submit to the Permit Issuing Authority a written certification that the requested changes have been made. Unless otherwise provided by the Permit Issuing Authority, 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 surface 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 Permit Issuing Authority in the same manner as described above.

9. Annual Site Compliance Evaluation:

Qualified personnel must conduct site compliance evaluations at appropriate intervals, but at least once a year. Compliance evaluations shall include:

- inspection of storm water drainage areas for evidence of pollutants entering the drainage system;

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The inspection report shall be signed by the plant environmental engineering staff and plant management and kept with the BMP3 plan.

10. Recordkeeping and Internal Reporting:

For at least one year after the expiration of this permit, the permittee shall record and maintain records of spills, leaks, inspections, and maintenance activities. For spills and leaks, records should include information such as the date and time of the incident, weather conditions, cause, and resulting environmental problems.

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 modified, or alternatively, revoked and reissued 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 standard or limitation 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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1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes (FS). Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), 10-23-00]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitute grounds for revocation and enforcement action by the Department. *[62-620.610(2), 10-23-00]*
3. As provided in Subsection 403.087(6), FS, 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), 10-23-00]*
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), 10-23-00]*
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), 10-23-00]*
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), 10-23-00]*
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), 10-23-00]*
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), 10-23-00]*
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

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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, FAC. 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), 10-23-00]
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), 10-23-00]
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, FAC, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), 10-23-00]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, FAC [62-620.610(13), 10-23-00]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, FAC. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), 10-23-00]
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), 10-23-00]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 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) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, FAC [62-620.610(16), 10-23-00]
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

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- b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Under Chapter 62-160, F.A.C., field procedures for sample collection and laboratory methods shall be performed by following the protocols described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, 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), 10-23-00]*
20. The permittee shall report to the Department any noncompliance, which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information, which must be reported within 24 hours under this condition:
 - 1. Any unanticipated bypass which causes any reclaimed water or 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 above 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

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- (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. (a) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Southwest District Office within 24 hours from the time the permittee becomes aware of the discharge.
- (b) 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.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), 10-23-00]*
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.

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- 4) The permittee complied with any remedial measures required under Condition VIII.5 of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 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), 10-23-00]

Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

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Director
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