



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

DEP03-0558

May 7, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Gwen L. Shofner, P.E.
Tampa Electric Company
P.O. Box 111
Tampa, Florida 33601

**RE: Tampa Electric Company Polk Power Station
Modification to Conditions of Certification
DEP Case Number PA 92-32E
OGC Number 03-0802**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Shofner:

On June 19, 2001, the Department issued a revised Industrial Wastewater Permit, FL0043869. 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 revised Industrial Wastewater permit. Additionally, the Department proposes that the conditions should be updated as necessary to reflect current agency names and current rule citations.

On October 7, 2002, 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 October 7, 2002, 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; 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.

On November 22, 2002, the Department received notice of objections to portions of the proposed modification from the Tampa Electric Company. No other objections to the modification have been received by the Department. Pursuant to Rule 62-17.211(1)(b)5., F.A.C., if written objections which only address a portion of the requested modification are filed, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed. The Conditions of Certification for the Polk Power Station are hereby modified, in accordance with those portions of the proposed modifications for which no objection was received, as follows:

I. through XIII. No change.

XIV. SURFACE WATER DISCHARGES

A. Industrial Wastewater Permit Number FL0043869, which is attached as Appendix I, is incorporated by reference herein as part of this Certification. The provisions of Industrial Wastewater Permit Number FL0043869 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Industrial Wastewater Permit Number FL0043869 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. Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of Chapters 62-302, 62-4, 62-40, 62-160, 62-301, 62-520, 62-522, 62-531, 62-532, 62-550, 62-551, 62-555, 62-560, 62-600, 62-601, 62-604, 62-640, 62-650, 62-660, 62-672, 62-699, and 62-701, F.A.C., and the following conditions of certification:

A. Plant Effluents and Receiving Body of Water

For discharges made from the Power Plant Station the following conditions shall apply:

1. Receiving Body of Water (RBW) The receiving bodies of water have been determined by the DEP to be the reclaimed lake and subsequent downstream waters of Little Payne Creek.

2. Point of Discharge (POD) The point of discharge has been determined by DEP to be where the effluent from Outfall Serial Number 001 (OSN 001) physically enters the waters of the state in the reclaimed lake and from storm water runoff collection systems at OSN 002 to the reclaimed lake.

3. From the date of plant startup, the effluent from OSN 001, shall not exceed the effluent limitations and shall be monitored by the Permittee as specified below; if there is no discharge during a sampling period, the sample shall be collected on the day of next discharge. OSN 001 wastewater samples shall be taken prior to actual discharging or mixing with the receiving waters. All samples shall be taken in strict accordance with the following table:

EFFLUENT LIMITATIONS/WATER QUALITY STANDARDS				
EFFLUENT CHARACTERISTIC	DAILY MINIMUM	30-DAY AVERAGE	DAILY MAXIMUM	SAMPLING FREQUENCY/TYPE
Flow (MGD)	N/A	Report	Report	Recorder/Calculation
Dissolved Oxygen (mg/l) [†]	5.0	Report	N/A	Daily/Grab
Total Ammonia (as N)(mg/l)*	N/A	Report	Report	Monthly/Grab
Un-ionized Ammonia (mg/l)	N/A	Report	0.02	Monthly/Calculation
Specific Conductance (µmhos/cm)***	N/A	Report	1275	Daily/Grab
Gross Alpha Particle Activity (pCi/l)	N/A	Report	15	Monthly/Grab
Total Sulfate (mg/l)	N/A	Report	Report	Monthly/Grab
Oil and Grease			5.0	Monthly/Grab
pH (standard units)**	6.0	Report	8.5	Daily/Grab
Total Nitrogen (mg/l)*	N/A	Report	Report	Monthly Grab
Total Kjeldahl Nitrogen (mg/l)*	N/A	Report	Report	Monthly Grab
Total Suspended Solids(mg/l)	N/A	50	150	Monthly Grab
Water Temperature (°F) (Summer Season)	N/A	Report	92****	Continuous Recorder
Water Temperature (°F) (Winter Season)	N/A	Report	88.7****	Continuous Recorder
CBOD ₅ (mg/l)	N/A	1.0	3.0	Monthly Grab
Total Residual Chlorine (mg/l)	N/A	Report	0.01	Monthly Grab
ICP 23 metals (µg/l) with Class III standards	N/A	Report	****	2/year/Grab

* The Permittee shall not exceed the background levels of this parameter, as specified in Table 50.9.a. (Volume 4 of Sufficiency Responses).

** As per Rule 62-302.530 (52)(c), F.A.C.

*** As per Rule 62-302.530 (23), F.A.C.

**** Limits pursuant to Rule 62-302.560, F.A.C.

1. ~~The time and depth for sampling Dissolved Oxygen (DO) should be specified and recorded. DO monitoring should occur before 10:00 a.m. whenever possible.~~

4. ~~For each parameter for which the Department has granted a zone of mixing pursuant to Rule 62-4.244, F.A.C., TEC shall demonstrate compliance with the surface water standard(s) of Rules 62-302.500 and 62-302.530, F.A.C., at the edge of the mixing zone by not exceeding the effluent limitation(s) for those parameters at the POD established by Condition XIV.A.3. above. An exceedance of the effluent limitation at the POD for any parameter for which the Department has granted a zone of mixing shall be considered a violation of the surface water quality standard(s) of Rules 62-302.500 and 62-302.530, F.A.C., at the edge of the mixing zone and subject to enforcement action as per Sections 403.161 and 403.514, F.S.~~

B. ~~Thermal Mixing Zone~~

~~The TEC is hereby granted a thermal mixing zone for the discharge from the cooling reservoir through Outfall 001 to the reclaimed lake. The mixing zone shall be a 250 foot radius semicircle centered at the point of entry into the reclaimed lake. The temperature at the edge of the mixing zone shall not exceed the limitations of Rule 62-302.520(4)(a), F.A.C. The temperature at OSN 001 shall not exceed 92° F. during the summer season nor 88.7°F. during the winter season. The minimum criteria for surface waters as given in Rule 62-302.500, F.A.C., shall not be violated within the zone of mixing.~~

C. ~~pH~~

~~The pH of the combined discharges to the cooling pond shall be such that the pH will fall within the range of 6.0 to 9.0, and any discharge from the pond at OSN 001 to the reclaimed lake shall fall within the range of 6.0 to 8.5.~~

D. ~~Polychlorinated Biphenyl Compounds~~

~~There shall be no discharge of polychlorinated biphenyl compounds.~~

E. ~~Construction Storm Water Runoff~~

~~During construction, discharge from the surface water management system to the RBW from a storm event less than the 10-year, 24-hour storm shall meet the following limits and shall be monitored at all point source discharges through discharge structures, 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

~~During construction special consideration must be given to the control of sediment laden runoff resulting from storm events. 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 DEP 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 imposed runoff or the use of turbidity curtains (screens) in on-site impoundments shall be implemented.

F. — Steam System Blowdown

Blowdown discharge from the steam electric generating system to the cooling pond shall be limited and monitored at OSN 003 as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITS		MONITORING REQUIREMENTS	
	DAILY AVERAGE	DAILY MAXIMUM	SAMPLE TYPE	MEASUREMENT FREQUENCY
TSS (mg/l)	30.0	100	grab	1/month
Oil and Grease (mg/l)	15.0	20	grab	1/month
Flow (MGD)	—	—	Calculation	1/month

G. — Operation Storm Water Effluent Limits

1. — From the date of plant startup, the effluent from OSN 002 shall not exceed the effluent limitations and shall be monitored by the Permittee as specified below. A grab sample of the storm water at the OSN 002 is required to be analyzed once per discharge but not more often than once per week, for the following parameters:

EFFLUENT LIMITATIONS/WATER QUALITY STANDARDS			
EFFLUENT CHARACTERISTICS	30-DAY AVERAGE	DAILY MAXIMUM	DAILY MINIMUM
Flow (MGD)	Report	Report	N/A
CBOD ₅ (mg/l)	Report	12.0	N/A
Total Suspended Solids (mg/l)	Report	50.0	N/A
pH (Std. Units)	N/A	8.5	6.0
Oil & Grease (mg/l)	Report	5.0	N/A

2. — 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 001 and 002 during rainfall periods less than the 10 year, 24 hour rainfall.

3. — 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.

H. — Surface Water Monitoring

1. — No later than one (1) year prior to startup, TEC shall submit for departmental approval a Biological Assessment Plan of Study for macroinvertebrates for

the receiving water body (the reclaimed lake). Upon approval of the plan of study by the Department, TEC will carry out this biological assessment prior to startup and once every five (5) years, beginning three (3) years after the first discharge from OSN 001.

2. In order to provide the Department with reasonable assurance that the discharges from OSN 001 do not violate the acute toxicity requirements of Section 62-302.500(1)(a), F.A.C., the Permittee shall perform the toxicity tests as specified below and submit the results to the Department for review.

a. The Permittee shall initiate a series of bioassay tests, as described below, within one hundred twenty (120) days from initiation of operations, to evaluate whole effluent toxicity of the discharge. All test species, procedures, and quality assurance criteria used shall be in accordance with *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms*, EPA/600/4-90/27. The Permittee shall conduct a 96-hour static renewal acute toxicity test on the test species, *Ceriodaphnia dubia* and *Notropis leedsii*, twice a year (biannually) on samples of 100-percent whole effluent. Such static renewal tests will be conducted on four separate grab samples of 100-percent final effluent collected at evenly spaced (6-hour) intervals over a 24-hour period and used in four (4) separate tests in order to account for daily variations in effluent quality. If the bioassays indicate acceptable levels of toxicity after four (4) successive tests, the frequency of testing shall be reduced to annually or at a lesser frequency as approved by the Department.

A standard reference toxicant test shall be conducted concurrently with each species used in the toxicity test and all the test reports shall be submitted along with the concomitant monthly operation report.

b. If control mortality exceeds ten (10) percent of either species in any test, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed ten (10) percent for either species. If, in any test, 100 percent mortality occurs prior to the end of the test, and control mortality is less than ten (10) percent at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable acute toxicity.

c. If any screening test indicates that unacceptable toxicity (less than 80 percent survival of test organisms in 100 percent effluent) is found in any sample of effluent, additional acute (definitive) renewal toxicity testing involving the determination of 96-hour LC₅₀ values with ninety-five (95) percent confidence limits will be required. A minimum of three (3) such additional 96-hour tests are required to be conducted within thirty (30) days from the date that any screening test indicates the presence of toxicity. Preferably, the first of these additional tests shall be initiated within seventy-two (72) hours of a failed screening test. The second test shall be initiated at least seven (7) days after completion of the first additional test. Such tests shall be conducted using the test species which exhibited the most toxic response in the screening tests above, and shall be taken at the same time of day and day of the week during which the greatest toxic response was exhibited.

C. 3. WQBEL Study Requirements

If effluent Total Nitrogen concentrations for OSN 001 exceed the ambient levels (twice in a six-month period) of these parameters as specified in Table

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50-9.9 (Volume 4 of Sufficiency Response), TEC shall initiate a Level II Water Quality Based Effluent Limitation Study for the discharge from OSN 001. The study shall be conducted in accordance with the requirements of Rule 62-650, F.A.C. TEC shall submit a draft plan of study to ~~the Point Source Evaluation Section~~

Director
Division of Water Resources Management
Department of Environmental Protection
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

within six (6) months of notification by the Department that a study is necessary, and shall modify the plan of study as necessary to obtain Department approval.

The final plan of study shall include a schedule for the
submittal of:

- collected; and,
1. a. an Intensive Survey document summarizing all data
 2. b. a WQBEL document summarizing all modeling
- conducted and proposed effluent limitations. The draft Intensive Survey document shall be provided within one year of the original plan of study submittal and the draft WQBEL document shall be provided within one and a half years of the original plan of study submittal.

XV. through XXXI. No change.

APPENDIX I. NPDES Permit FL0043869

(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.

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Executed in Tallahassee, Florida.

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

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

Linda F. Korokos 5/7/03
Clerk Date

CC by U.S. mail:

Emiline Acton, Esquire
Frank K. Anderson, Esquire
James Antista, Esquire
Cathy Bedell, Esquire
Mark Carpanini, Esquire
Lawrence N. Curtin, Esquire
Sara M. Fotopolos, Esquire
Scott Goorland, Esquire
David Jordan, Esquire
Pam Leslie, Esquire
Greg Nelson, P.E.
Roger Tucker, Esquire
Norman White, Esquire

CC by electronic mail:

Kathy Carter

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:
Tampa Electric Company
P.O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-Major
ISSUANCE DATE: June 19, 2001
EXPIRATION DATE: June 18, 2006

FACILITY:

Polk Power Station
State Road 37 and County Road 630
Polk County, FL 33835

Latitude: 27° 43' 40" Longitude: 81° 58' 22"

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 is an electric generating plant with a total generating capacity (when complete) of approximately 1,150 megawatts. The existing generating facility, known as Polk Unit 1, consists of an integrated coal gasification combined cycle (IGCC) unit with a nominal net capacity of 260 megawatts. The IGCC is fueled by coal-derived gas (i.e. coal gas or syngas) with No. 2 fuel oil as backup fuel. Additional generating units planned for this site will be developed in a phased schedule which matches Tampa Electric Company's forecast growth in electricity demands beginning in 1999 and continuing into the year 2010. The planned facilities will consist of two combined cycle generating units and six simple cycle combustion turbines fueled by natural gas with No. 2 fuel oil as the backup fuel.

TREATMENT FACILITIES: The facility uses a closed loop system (cooling reservoir) for heat dissipation. The cooling reservoir receives treated effluent from the on-site Industrial Wastewater Treatment Plant, groundwater seepage, treated low-volume wastewater (reject water from the Reverse Osmosis Unit, treated boiler blowdown & lab wastes), treated water from on-site oil water separators, groundwater from the Floridan aquifer (make-up) and recirculated cooling water.

The Industrial Wastewater Treatment (IWT) system treats the process and service wastewater, stormwater runoff and washdown from the materials storage areas. The IWT includes the following basins and units: oil/water separation; neutralization tank; diversion boxes; coal, IWT sludge, and slag runoff retention basins; oxidation tank; clarification; chemical restabilization tank (neutralization); filtration; and sludge handling system. All oil-bearing equipment will be segregated using curbed areas with drains directing washdown, runoff, minor leaks, and spills to the oil/water separator. Low volume wastes (boiler blowdown, laboratory wastes, and RO concentrate) will be combined in a neutralization tank for pH adjustment. Filter backwash water from the makeup water treatment is directed to the equalization basin, and subsequently filtered.

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The metal cleaning wastes associated with the combustion turbine and compressor washing will be routed to the equalization basin for subsequent filtration treatment. Spent chemicals and metal cleaning wastes not associated with the wash operations will be disposed off site by a licensed contractor.

Stormwater runoff from the coal pile, IWT sludge pile, coal transfer area washdown, and leachates will be directed to the coal pile area runoff treatment system (Neutralization/oxidation clarification, and sludge handling functions).

EFFLUENT DISPOSAL:**Surface Water Disposal:**

An existing 3.10 MGD annual average daily flow of cooling reservoir blowdown through outfall D-001 (located approximately at Latitude: 27° 43' 40", Longitude: 81° 58' 22") to an unnamed reclaimed lake to an unnamed canal to Little Payne Creek, Class III fresh waters.

An existing discharge of stormwater associated with industrial activity through outfall D-002 (located approximately at Latitude: 27° 44' 00", Longitude: 81° 59' 13") to an unnamed mine cut to an unnamed canal to Little Payne Creek, Class III fresh waters.

An existing 0.65 MGD annual average daily flow from the low volume wastewater neutralization basin to internal outfall I-003 (located approximately at Latitude: 27° 43' 32", Longitude: 81° 59' 10") to the cooling reservoir.

An existing 0.67 MGD annual average daily flow from the equalization basin to internal outfall I-004 to the cooling reservoir.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Part I through Part VIII on page 3 through 31 of this permit.

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 State Road 37 and County Road 630
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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 the expiration date, the permittee is authorized to discharge from **Outfall D-001 - Cooling pond blowdown** to an unnamed reclaimed lake to an unnamed canal to Little Payne Creek.

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

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	Continuous	Recorder or Calculation	EFF-1
Point of Discharge Temp. ° F Summer (May-Oct)	Report See I.A.1.h.	92.0	Continuous	Recorders	EFF-1
Point of Discharge Temp. ° F Winter (Nov-Apr)	Report See I.A.1.h.	88.7	Continuous	Recorders	EFF-1
Temperature, °C	Report See I.A.1.f	N/A	1/month	Grab	EFF-1
pH, Standard Units	See I.A.1.b.		1/month	Grab	EFF-1
Total Phosphorous (as P), mg/l	Report	Report	1/month	Grab	EFF-1
Total Ammonia (as N), mg/l	Report See I.A.1.d.	N/A	1/month	Grab	EFF-1
Un-ionized Ammonia, mg/l	0.02 ¹ See I.A.1.f	Report	1/month	Calculation	EFF-1
Dissolved Oxygen, mg/l	See I.A.1.e.		2/week	Grab	EFF-1
Oil & Grease, mg/l	5.0	N/A	1/month	Grab	EFF-1
Total Nitrogen (as N), mg/l	Report See I.A.1.d.	Report	1/month	Grab	EFF-1
Total Kjeldahl Nitrogen, mg/l	Report	Report	1/month	Grab	EFF-1
Total Sulfate, mg/l	Report	Report	1/month	Grab	EFF-1
Total Suspended Solids, mg/l	100.0	30.0	1/month	Grab	EFF-1
Total Residual Chlorine, mg/l	0.01	Report	1/month	Grab	EFF-1

¹ See paragraph III.7 of Administrative Order AO007TL for the interim limit for un-ionized ammonia.

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(I.A.1.a. CONTINUED)

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measure ment	Sample Type	Sample Point
Total Recoverable Antimony, mg/l	4.30	Report	2/year	Grab	EFF-1
Total Recoverable Arsenic, mg/l	0.05	Report	2/year	Grab	EFF-1
Total Recoverable Beryllium, µg/l	0.13 ¹	Report	2/year	Grab	EFF-1
Total Recoverable Cadmium, µg/l	See footnote below. ²	Report	2/year	Grab	EFF-1
Total Recoverable Copper, µg/l	See footnote below. ²	Report	2/year	Grab	EFF-1
Total Recoverable Zinc, µg/l	See footnote below. ²	Report	2/year	Grab	EFF-1
Total Recoverable Lead, µg/l	See footnote below. ²	Report	2/year	Grab	EFF-1
Total Recoverable Nickel, µg/l	See footnote below. ²	Report	2/year	Grab	EFF-1
Total Recoverable Selenium, µg/l	5.0	Report	2/year	Grab	EFF-1

¹ Reported as an "Annual average". "Annual average" means the maximum concentration at average annual flow conditions.

² Pursuant to 62-302.510(4), Florida Administrative Code all metals shall be reported as the total recoverable fraction. The maximum values are calculated based on the total hardness of the receiving stream. Hardness expressed in mg/l CaCO₃ shall be measured at each location in the table twice per year. Such measurement shall be made during the same sampling event as at outfall D-001. Flow of the individual effluent stream must be recorded. Mixing zones (or other relief mechanisms) may be considered by the Department at any time based on data submitted pursuant to the conditions of this permit and other appropriate information. Nothing in this permit shall preclude the permittee from applying for any relief mechanism during the term of this permit.

- a) The allowable daily maximum limit for cadmium shall be calculated as follows: $Cd \leq e^{(.7852[\ln H]-3.49)} \mu\text{g/l}$.
- b) The allowable daily maximum limit for copper shall be calculated as follows: $Cu \leq e^{(0.8545[\ln H]-1.465)} \mu\text{g/l}$.
- c) The allowable daily maximum limit for lead shall be calculated as follows: $Pb \leq e^{(1.273[\ln H]-4.705)} \mu\text{g/l}$.
- d) The allowable daily maximum limit for nickel shall be calculated as follows: $Ni \leq e^{(0.846[\ln H]+1.1645)} \mu\text{g/l}$.
- e) The allowable daily maximum limit for zinc shall be calculated as follows: $Zn \leq e^{(0.8473\ln[H]+0.7614)} \mu\text{g/l}$.

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(I.A.1.a. CONTINUED)

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measurement Frequency	Sample Type	Sample Point
Total Recoverable Silver, µg/l	0.07	Report	2/year	Grab	EFF-1
Total Recoverable Thallium, µg/l	6.3	Report	2/year	Grab	EFF-1
Total Recoverable Iron, mg/l	1.0	Report	2/year	Grab	EFF-1
Specific Conductance, µmhos/cm	1275.0	Report	2/week	Grab	EFF-1
Gross Alpha Particle Activity (including radium 226, but excluding radon and uranium), pCi/l	15.0	Report	1/month	Grab	EFF-1
Carbonaceous Biochemical Oxygen Demand (5 day), mg/l	3.0 ¹	1.0	1/month	Grab	EFF-1
Total Hardness, (as CaCO ₃), mg/l	Report	Report	2/year	Grab	EFF-1
Toxicity (Acute)	(See section I.E.13)		1/year	Grab	EFF-1

- b. The pH shall not be less than 6.0 nor greater than 8.5 standard units.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waterbody (i.e., discharge canal).
- d. The effluent concentrations of Total Nitrogen and Total Ammonia shall not exceed at any time, background levels as indicated in Attachment 1.
- e. The daily minimum concentration for dissolved oxygen shall not be less than 5.0 mg/l. The time and depth for sampling DO shall be specified and recorded. DO monitoring shall occur after dawn and before 12 pm, whenever possible.
- f. Effluent 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 Attachment 2. 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 value for un-ionized ammonia for each reporting period shall be reported on the DMR.

¹ See paragraph III.7 of Administrative Order AO007TL for the interim limit for CBOD₅.

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- g. 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 50.0 mg/l or less at Outfalls D-001 and D-002 during rainfall periods less than the 25-year, 24-hour rainfall event. 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.
- h. The temperature at the edge of the mixing zone shall not exceed the limitations of Rule 62-302.520(4)(a), Florida Administrative Code. The mixing zone shall be a 250-foot radius semicircle centered at the point of entry into the unnamed reclaimed lake. If the temperature at the point of discharge exceeds the applicable limitation on page 3, the permittee shall take two additional grab samples one at the edge of the mixing zone and one at the northeastern corner of the unnamed reclaimed lake (to determine ambient temperature) within the same 24-hour period.

Sample Point	Description of Monitoring Location
EFF-1	Nearest accessible point after final treatment, but prior to mixing with the receiving water (reclaimed lake).

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2. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from **Outfall D-002 - Storm water runoff** associated with industrial activity to an unnamed mine cut to an unnamed old mine cut to an unnamed canal to Little Payne Creek.

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

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/week	Estimate	EFF-2
Carbonaceous Biochemical Oxygen Demand (5 day), mg/l	Report	12.0	1/week	Grab	EFF-2
Total Suspended Solids, mg/l	50.0	Report	1/week	Grab	EFF-2
Oil & Grease, mg/l	5.0	Report	1/week	Grab	EFF-2
pH, Std. Units	See item b., below.		1/week	Grab	EFF-2

- b. The pH shall not be less than 6.0 nor greater than 8.5 Standard Units.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts nor shall the effluent cause a visible sheen on the waterbody (i.e., unnamed reclaimed lake).
- d. 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 50.0 mg/l or less at Outfalls D-001 and D-002 during rainfall periods less than the 10-year, 24-hour rainfall event. 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.

Sample Point	Description of Monitoring Location
EFF-2	The nearest accessible point after final treatment, but prior to entering the receiving waterbody.

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3. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Internal Outfall I-003 - Low volume waste (including reverse osmosis concentrate, boiler blowdown & lab waste) to the site cooling reservoir.

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

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/month	Calculation	INT-3
Total Suspended Solids, mg/l	100.0	30.0	1/month	Grab	INT-3
Oil & Grease, mg/l	20.0	15.0	1/month	Grab	INT-3
pH Std. Units	See item b., below.		1/month	Grab	INT-3

- b. The pH shall not be less than 6.0 nor greater than 9.0 Standard Units.

Sample Point	Description of Monitoring Location
INT-3	The nearest accessible point after final treatment, but prior to entering the cooling reservoir.

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4. During the period beginning on the issuance date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Internal **Outfall I-004 – Equalization Basin wastewater** (including filter backwash water and slag runoff) to the site cooling reservoir.

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

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Daily Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/month	Calculation	INT-4
Total Suspended Solids, mg/l	100.0	30.0	1/month	Grab	INT-4
Oil & Grease, mg/l	20.0	15.0	1/month	Grab	INT-4
pH Std. Units	See item b., below.		1/month	Grab	INT-4

- b. The pH shall not be less than 6.0 nor greater than 9.0 Standard Units.

Sample Point	Description of Monitoring Location
INT-4	The nearest accessible point after final treatment, but prior to entering the cooling reservoir.

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This section is not applicable to this facility.

C. Reuse and 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" dated June 21, 1996, is available from the Department on request. 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 PQL 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 PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
 - c) If the PQLs 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 PQL shall be used.

Where 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. Approval of alternate laboratory MDLs or 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 criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

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:

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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, as appropriate, the Department's Southwest District Office at the address specified below:

Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318
Phone Number (813) 744-6100

4. The permittee shall report all visible discharges of floating materials, such as ash or oil sheen, to the Department when submitting DMR's. Field data sheets shall have appropriate blank(s) to report observations.
5. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
6. 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, or other waters of the State 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.

A permit revision from the Department shall be required prior to the use of any biocide or chemical additive used in the cooling system or any other portion of the treatment system which may be toxic to aquatic life. The permit revision request shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- 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 a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

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7. The monitoring requirements of I.A will become effective on the first day of the month following the issuance date of the permit.
8. 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 State is prohibited, unless specifically authorized elsewhere in this permit.
9. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner which produces uncontrolled runoff.
10. Unless otherwise specifically permitted in this permit, there shall be no point source discharges of any wastes to waters of the State, or to any waste stream which enters such waters. These wastes include but are not limited to, low volume wastes (including, but not limited to, boiler blowdown, wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drains, cooling tower basin cleaning wastes, and blowdown from recirculating house service water systems) chemical or non-chemical metal cleaning wastes (cleaning compounds, rinse waters, or any waterborne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning; and specifically including such waster wash operations as hosing down boiler fireside surfaces), contaminated area runoff, sanitary wastes, and water softener regeneration wastewater.
11. The permittee shall operate and maintain loading and unloading facilities in such a manner in order to preclude spillage of coal, chemicals, etc., used at the facility, and shall take all actions necessary to clean-up and control any such spill which may occur.
12. The permittee shall submit to the Department a Biological Assessment Plan of Study (POS) for macroinvertebrates for the receiving water body (reclaimed lake). The POS shall be submitted within 120 days of permit issuance. The Department shall review the plan within 60 days of its receipt and shall, in writing, either approve the plan or notify the permittee of deficiencies that must be corrected. The permittee shall either make such corrections and re-submit the plan within 60 days of DEP's notification or file a petition for formal or informal administrative proceeding, pursuant to Chapter 120, F.S., and chapter 62-103, Florida Administrative Code, if it disagrees with or otherwise disputes DEP's determination. Upon approval of the POS by the Department, the permittee shall carry out the biological assessment within the 4th year of permit issuance.
13. The permittee shall conduct toxicity tests once a year as described below during the month of July or or December to evaluate the whole effluent toxicity of the discharge.

All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents to Freshwater and Marine Organisms, EPA/600/4-90/027F, or the most current edition. The control water will be adjusted to the salinity of the effluent at the time of sampling. A standard reference toxicant quality assurance acute toxicity test shall be conducted concurrently or no greater than 30 days prior to the initiation of each bioassay test with each species used in the toxicity tests. Results of all toxicity tests shall be submitted with the discharge monitoring report (DMR). Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

- A. (1.) The permittee shall conduct 96-hour acute static renewal toxicity tests using daphnid, Ceriodaphnia dubia, and the bannerfin shiner, Cyprinella leedsi annually on samples of 100% whole effluent. All tests will be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period and used in four separate tests in order to catch any peaks of toxicity and to account for daily variations in effluent quality.

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- (2.) If control mortality exceeds 10% for either species in any test, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% for either species. If, in any separate grab sample test, 100% mortality occurs prior to the end of the test, and control mortality is less than 10% at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable acute toxicity.
- B. Results from "routine" tests shall be reported according to EPA/600/4-90/027F, Section 12, Report Preparation (or the most current edition), and shall be submitted to:
- Florida Department of Environmental Protection
Division of Water Resource Management/Wastewater Facilities Regulation Section
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
- C. (1.) All "routine" tests shall be conducted using a control (0% effluent) and a test concentration of 100% final effluent.
- (b) Mortalities of equal to or greater than 50% in a 100% effluent sample or any $LC_{50} < 100\%$ identified in additional tests will constitute a violation of these permit conditions, and Rule 62-302.200(1), Rule 62-302.500(1)(d) and Rule 62-4.244(3)(a), F. A. C.
- D. (1.) If unacceptable acute toxicity (greater than 20% mortality of either test species in any grab sample test) is found in a "routine" test, the permittee shall conduct three additional tests on each species indicating unacceptable toxicity. The first additional test will include four grab samples taken as described in A.1. and run as four separate definitive analyses. The second and third additional definitive tests will be run on a single grab sample collected on the day and time when the greatest toxicity was identified in the "routine" test. Results for each additional test will include the determination of LC_{50} values with 95% confidence limits.
- (2.) The first additional test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5% and 6.25% effluent and a control (0% effluent). The dilution series may be modified in the second and third test to more accurately identify the toxicity, such that at least two dilutions above and two dilutions below the target toxicity and a control (0% effluent) are run.
- (3.) For each additional test, the sample collection requirements and the test acceptability criteria specified in Section A.2 above must be met for the test to be considered valid. The first test shall begin within two weeks of the end of the "routine" tests, and shall be conducted weekly thereafter until six additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present.
- (4.) Results from additional tests, required due to unacceptable acute toxicity in the "routine" tests, shall be submitted in a single report prepared according to EPA/600/4-90/027F, Section 12, or the most current edition and submitted within 45 days of completion of the additional, valid test. If the additional test(s) demonstrate unacceptable acute toxicity, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the observed acute toxicity.

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14. The permittee is authorized to discharge storm water from the diked petroleum storage or handling areas, provided the following conditions are met:

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

- (1.) The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) plan pursuant to 40 CFR Part 112.
 - (2.) In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
 - (3.) Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum.
 - a. date and time of discharge;
 - b. Estimated volume of discharge;
 - c. Initials of the person making visual inspection and authorizing discharge; and
 - d. Observed conditions of the storm water discharged.
 - (4.) There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil sheen at any time.
15. Any water drained from the fuel oil storage tanks or other water which meets the definition of "Petroleum Contact Water" as defined in F.A.C. Rule 62-740.030(1) shall be disposed of at a Department approved facility in accordance with F.A.C. Chapter 62-740.
16. If effluent Total Nitrogen concentrations for Outfall D-001 exceed the ambient levels (twice in a six-month period) of these parameters as specified in Table 50-9.9 (Attachment 1), the facility shall initiate a level II Water Quality Based Effluent Limitation Study for the discharge from Outfall D-001. The study shall be conducted in accordance with the requirements of 62-650, F.A.C. The facility shall submit a draft plan of study to the Department within six (6) months of notification by the Department that a study is necessary, and shall modify the plan of study as necessary to obtain Department approval. The final plan of study shall include a schedule for the submittal of:
- a. an Intensive Survey document summarizing all data collected;
 - b. a WQBEL document summarizing all modeling conducted and proposed effluent limitations. The draft Intensive Survey document shall be provided within one year of the original plan of study submittal and the draft WQBEL document shall be provided within one and a half years of the original plan of study submittal.

II. Industrial Sludge Management Requirements

1. The disposal of industrial sludge or other solids generated from the facility (other than domestic wastewater sludge as specified below) shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C.

III. Ground Water Monitoring Requirements

Groundwater monitoring requirements for this facility are covered under Conditions of Certification PA 92-32.

IV. Other Land Application Requirements

This section is not applicable to this facility.

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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 appropriate for those facilities.

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 Compliance Schedules and self improvement Schedules.

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. Attainment of effluent limitations.....Permit issuance
 - b. Best Management Practices (BMP3) Plan (See Part VII, Subpart D)
 - (1) Update plan.....No later than 3 months from the effective date of the permit
 - (2) Implement plan.....On start of discharge
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.

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3. This permit is being issued in conjunction with Administrative Order AO007TL with a required Plan of Action which will set forth a compliance schedule for the parameters of un-ionized ammonia and CBOD. If necessary, submittal of a report for interim limits for the parameters pH and DO will be required.

VII. Other Specific Conditions**A. Specific Conditions Applicable to all permits**

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file with the Department, are made a part hereof.
2. If significant historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301.
3. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
4. This permit satisfies industrial wastewater program permitting and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. 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 on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Rules 62-620.400, 62-620.410, F.A.C. and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely. 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.

C. 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, or disposal method not in the permit.The permit as modified or reissued under this paragraph shall contain any other requirements of the Act then applicable.
2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future wasteload allocation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

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In accordance with Rule 62-620.620(1)(n), the permittee shall develop and implement a Best Management Practices incorporating pollution prevention measures. 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)
- d. For purposes of this part, 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, and b) any substance (that is not also a conventional or non-conventional pollutant) for which EPA has published an acute or chronic toxicity criterion, or that is a pesticide regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- e. "Pollution prevention" refers to the first category of EPA's preferred hazardous waste management strategy - source reduction.
- f. "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.
- 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 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.

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- 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.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. The BMP3 plan shall be signed and reviewed by the plant management.

5. BMP3 Plan Requirements:

The following requirements may be incorporated by reference from existing facility procedures:

- a. Name and description of facility
- 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.

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- 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 be clearly identified in the BMP3 plan. Employees shall be made aware of response procedures, including material handling and storage requirements, and should have access to appropriate cleanup equipment.
 - (v) - Sediment and Erosion Control The BMP3 must identify activities that present a potential for significant soil erosion and measures taken to control such erosion.
 - (vi) - Management of Runoff The permittee must describe existing storm water controls found at the facility and any additional measures that can be implemented to improve the prevention and control of 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.

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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. The permittee shall have 30 days after such notification to make the necessary changes. A longer period of time may be granted by the Permit Issuing Authority if warranted due to the complexity of the change.

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;
- Evaluation of the effectiveness of BMP's;
- Observations of structural measures, sediment controls, and other storm water BMP's to ensure proper operation;
- Revision of the plan as needed within 2 weeks of the inspection, and implementation of any necessary changes within 12 weeks of the inspection; and
- Preparation of a report summarizing inspection results and follow-up actions, identifying the date of inspection and personnel who conducted the inspection.
- 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.

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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: [62-620.624(1)]
 - (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.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. 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)]
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 constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
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)]
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

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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)]

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)]
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)]
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)]
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)]
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, Florida Administrative Code. 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)]
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)]
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)]
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)]

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14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
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)]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department 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, F.A.C. [62-620.610(16)]
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)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 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).
 - 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 for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
 - e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DEP Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DEP-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests. [62-620.610(18)]
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)]
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

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aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

- b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report [62-620.610(20)]

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)]

22. Bypass Provisions.

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

- (1). Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- (2). There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3). The permittee submitted notices as required under Condition 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. 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)]

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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 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)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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