

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Seminole Electric Cooperative, Inc.	)	
Seminole Power Plant	)	DEP FILE NO. PA 78-10H
Modification of Conditions	)	OGC CASE NO. 00-0220
of Certification	)	<i>DEP 00-0393</i>
Putnam County, Florida	)	
	)	

**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On September 19, 1979, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Seminole Electric Cooperative, Inc. (SECI) electrical power plant site. That certification order approved the construction and operation of a 1240 megawatt (MW), coal-fired power plant and associated facilities located in Putnam County, Florida.

On January 7, 2000, the Department issued Industrial Wastewater Facility Permit No. FL0036498 - Major for the Seminole Power Plant. This action requires the Department to make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised Industrial Wastewater Facility permit.

Copies of the proposed modifications were made available for public review on January 7, 2000. On February 4, 2000, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. On January 27, 2000, all parties to the original proceeding were furnished with a copy of the Notice of Intent to Issue Proposed Modification of Power Plant Certification and with a copy of the proposed final order. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently

reached, then pursuant to §403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the SECI Seminole Power Plant Conditions of Certification in accordance with Rule 62-17.211(4), F.A.C., as necessary to conform to Permit No. FL0036498 - Major, are APPROVED. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Seminole Power Plant, are MODIFIED as follows:

I. No change

II. Water Discharges

Any discharges into waters of the State during construction and operation of Units Nos. 1 & 2 shall be in accordance with all applicable provisions of Chapters 62-302 and 62-520, Florida Administrative Code, and 40 C.F.R 423 Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category except as provided herein. Also the permittee shall comply with the following conditions of certification:

A. Plant Effluents and Receiving Body of Water

For discharges made from the power plant the following conditions shall apply:

1. - 2. No change

3. Thermal Mixing Zone

~~The instantaneous zone of thermal mixing for cooling tower blowdown shall not exceed an area of 1,705 square feet at a daily average discharge temperature of 95° F. During discharge, the blowdown from the cooling towers for Units 1 & 2 shall be withdrawn at the point of lowest temperature of the recirculating cooling water prior to the addition of makeup water. The temperature at the point of discharge into the St. Johns River shall not be greater than 93 degrees F, nor shall it exceed 95° F. on a daily average. The temperature of the waters at the edge of the mixing zone shall not~~

~~exceed the limitations of Paragraph 62-302.520(4)(a), F.A.C., except on occasions in which the temperature of the unaffected receiving waters exceeds 92 degrees F.~~

3. 4. Chemical Wastes and Boiler Blowdown

No change

4. 5. Coal Pile and Limestone Pile

Coal pile runoff and Limestone Pile runoff from less than 10-year 24-hour rainfall shall be treated as required to limit the suspended solids to 50 mg/l and to prevent increases in turbidity to less than ~~50 JTU~~ 29 NTU above background in waters of the State beyond a distance of 150 meters from the POD.

5. Industrial Wastewater Facility Permit

a. In addition to the conditions of certification set forth in this subsection, Water Discharges, the operation of Units 1 and 2 at the Seminole steam electric power plant site also shall be in accordance with the separate Industrial Wastewater Facility Permit No. FL0036498-Major, issued to Seminole by the Department on January 7, 2000. The provisions of Industrial Wastewater Facility Permit No. FL0036498-Major, which is attached as Appendix "A", are hereby incorporated as part of these Conditions of Certification for the SECI Seminole Power Plant. Seminole shall comply with the substantive conditions and limitations set forth in that Permit as part of these conditions of certification, and as those conditions may be modified in the future by the Department. The substantive requirements of Industrial Wastewater Facility Permit No. FL0036498-Major are Conditions of this Certification, are fully enforceable as Conditions of Certification for this facility, and are subject to the provisions of § 403.516, F.S. and Chapter 62-17.211, F.A.C.

b. Any renewed or modified Industrial Wastewater Facility Permit for the plant shall be made a part of this certification in accordance with the Department's rules for modifications of certification in Chapter 62-17.211(4), Florida Administrative Code. If that Permit is subsequently renewed or modified in the future, Seminole shall comply with the more stringent of the substantive conditions and limitations

contained in these conditions of certification or in the separate Industrial Wastewater Facility Permit until the certification is modified to reflect any renewed or modified Industrial Wastewater Facility Permit.

6. Cooling Tower Blowdown

~~The cooling tower blowdown shall contain no detectable amounts of material added for corrosion inhibition, including but limited to zinc and chromium.~~

7. Chlorine

~~The quantity of total residual chlorine discharge in the blowdown from the cooling tower shall not exceed 0.1 mg/l at the POD nor 0.01 mg/l beyond an instantaneous mixing zone of 750 square feet. There will be no limit on the duration of discharge of chlorine.~~

8. pH

~~The pH of all discharges shall be such that the pH be within the range of 6.0 to 8.5.~~

9. Polychlorinated Biphenyl Compounds

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

10. 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 instantaneous mixing zone as described herein and located within the envelopes as shown on Figure 2.~~

Pollutants	Instantaneous Mixing Zone	Envelope of Mixing Zones	
Ammonia	10,000 ft ²	20,235 m ²	5.0 Acres
Arsenic	8 ft ²	65 m ²	0.2 Acres
Chlorine	750 ft ²	3,654 m ²	0.9 Acres
Copper	1,000 ft ²	4,047 m ²	1.0 Acres
Iron	400 ft ²	2,024 m ²	0.5 Acres
Selenium	10 ft ²	84 m ²	0.02 Acres
Specific Conductance	8,015 ft ²	16,188 m ²	4.0 Acres
Lead		125,600 m ²	31 Acres
Mercury		125,600 m ²	31 Acres
Cadmium		125,600 m ²	31 Acres
Zinc		125,600 m ²	31 Acres
Oil and Grease		125,600 m ²	31 Acres
Chromium	25 ft ²	195 m ²	0.05 Acres

Figure 2. Envelopes for Mixing Zones

11. Variances to Water Quality Standards

In accordance with the provisions of Sections 403.201 and 403.511 (2), F.S., Seminole Electric Cooperative, Inc., is hereby granted variances to the Water Quality Standards of Chapter 62-302, F.A.C., for cadmium, lead, mercury, and zinc, but only at such times as the natural background levels of the St. Johns River approach or exceed those standards; in any event, the discharge shall comply with the effluent limitations set forth in paragraph II.A.12.a.

12. Effluent Limitations

a. The following instantaneous maximum effluent limitations shall apply for cadmium, mercury, lead and zinc at the locations specified:

(i) cooling blowdown—concentrations shall not exceed four times the concentrations present in the river at Applicant's intake structure at the time of intake or not exceed Class III surface water quality standards, whichever is higher.

b. The following instantaneous maximum effluent limitations shall apply to the discharge from the chemical wastewater treatment facility:

Pollutant	Effluent Limit (mg/l)
Ammonia	—28.5
Aluminum	174
Arsenic	—0.073
Copper	—0.66
Cyanide	—0.14
Chromium	—0.14
Nickel	—0.09
Selenium	—0.04
Oil and Grease	—15

B. Water Monitoring Programs

The permittee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation, and may be modified in accordance with Condition No. XXV.

1. Chemical Monitoring

The following parameters shall be monitored as shown during discharge and reported monthly to the DEP Northeast District Office:

Parameter	Location	Sample Type	Frequency
Flow Intake	Intake	Recorder	Totalizer
Flow Groundwater	Well field pipeline	Recorder	Totalizer
Flow, Discharge	C.T. Outfall	Recorder	Totalizer
Conductivity	C.T. Outfall	Recorder	Continuous
pH	C.T. Outfall	Multiple Grab	Weekly
Temperature	C.T. Outfall	Recorder	Continuous
TSS	C.T. Outfall	Grab	Weekly
Chlorine, Total Residual	C.T. Outfall	Multiple Grab	Weekly
Oil and Grease	C.T. Outfall & Intake	Grab	Weekly
Metals	C.T. Outfall, Intake & Waste Treatment Facility	Multiple Grab	quarterly

Lead _____ “ _____ “ _____ “

Mercury _____ “ _____ “ _____ “

Cadmium _____ “ _____ “ _____ “

Zinc _____ “ _____ “ _____ “

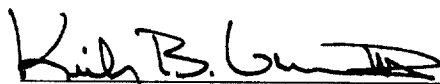
III. – XXVI. No change

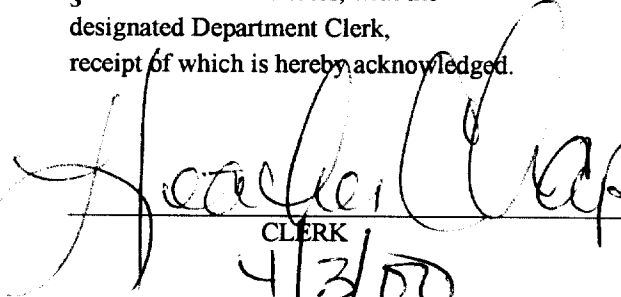
Any party to this Notice has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes (F. S.) by the filing of a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fee, with the appropriate district court of appeal. The Notice of Appeal must be filed within 30 days of the date that this Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this 31st day of March 2000, in Tallahassee, Florida.

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

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**


KIRBY B. GREEN, III
Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone (850) 488-7131


CLERK

4/3/00
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Final Order Modifying

Conditions of Certification was sent by U.S. Mail or *Interagency Delivery to:

Douglas S. Roberts, Esq.
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

***Via Interagency Delivery**

Andrew Grayson
Assistant General Counsel
Department Of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

***Via Interagency Delivery**

Sheauching Yu, Assistant General Counsel
Department Of Transportation
Haydon Burns Bldg., M.S. 58
605 Suwannee Street
Tallahassee, Florida 32399-0450

***Via Interagency Delivery**

Michael Palecki
Division Of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

***Via Interagency Delivery**

Robert V. Elias, Esq.
Florida Public Service Commission
Gerald Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Mr. Henry Dean
Executive Director
St. Johns River Water Mgmt. Dist.
Post Office Box 1429
Palatka, Florida 32178

***Via Interagency Delivery**

James V. Antista, General Counsel
Fish & Wildlife Conservation Commiss'n
Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600

Mr. Wayne Smith, Chairman
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, Florida 32054

Mr. Patrick Gilligan
City of Ocala
Seven East Silver Springs Blvd.
Suite 405
Ocala, Florida 34471

Mr. Charles Justice
Executive Director
N. Central Florida Regional Planning Council
2009 Northwest 67th Place
Suite A
Gainesville, Florida 32653-1603

Mr. Charles "Skeet" Alford, Jr., Chairman
Board of County Commissioners
Putnam County
Post Office Box 758
Palatka, Florida 32178

Mr. Ronald Williams, Chairman
Board of County Commissioners
Columbia County Courthouse
Post Office Drawer 1529
Lake City, Florida 32056

Mark Scruby
Clay County Attorney
Post Office Box 1366
Green Cove Springs, Florida 32043

Mr. Gordon B. Johnston
Marion County Attorney
601 Southeast 25th Avenue
Ocala, Florida 34471

and by interoffice delivery to:

Ernest Fry, Director
DEP Northeast District Office

on this 3rd day of April 2000.

Lynne C. Capehart, Esq.
1601 Northwest 35th Way
Gainesville, Florida 32605

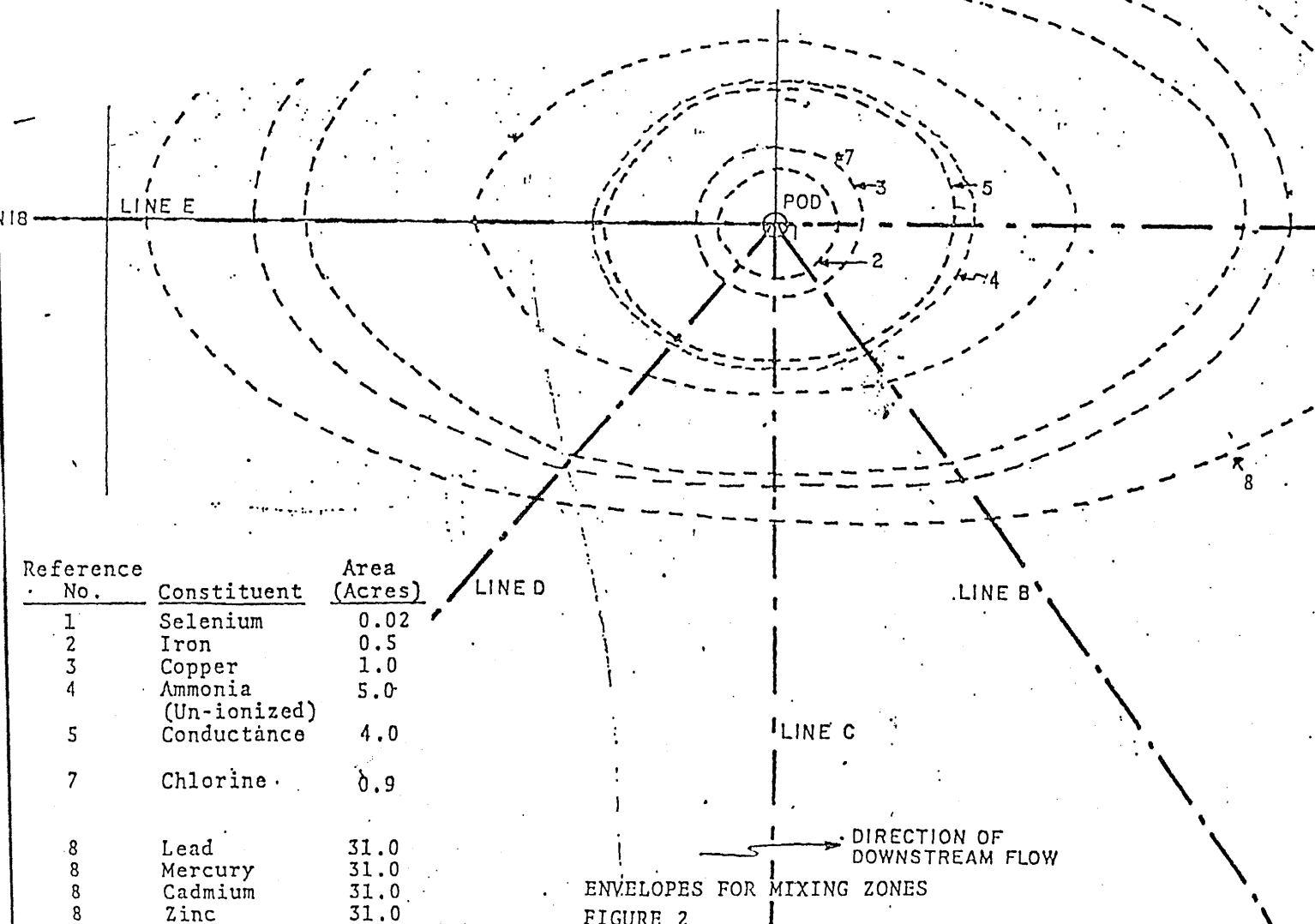
Hamilton "Buck" Oven, P.E. Administrator
DEP Siting Coordination Office

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



SCOTT A. GOORLAND
Assistant General Counsel
Florida Bar No. 0066834

Douglas Building, MS 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314



Reference No.	Constituent	Area (Acres)
1	Selenium	0.02
2	Iron	0.5
3	Copper	1.0
4	Ammonia (Un-ionized)	5.0
5	Conductance	4.0
7	Chlorine	0.9
8	Lead	31.0
8	Mercury	31.0
8	Cadmium	31.0
8	Zinc	31.0
8	Oil & Grease	31.0

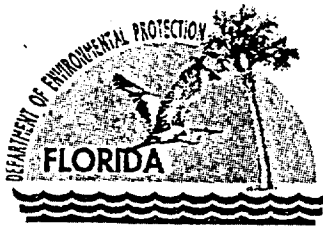
FIGURE 2

APPENDIX A

Industrial Wastewater Facility
Permit No. FL0036498-Major

(This entire appendix is new to the Conditions of Certification.)

Seminole Electric Cooperative, Inc.
Seminole Power Plant
PA78-10



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JAN 17 2000

CLERK OF COURTS
COORDINATION

NOTICE OF PERMIT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit
by: Seminole Electric Cooperative, Inc.
Palatka Plant
Post Office Box 272000
Tampa, Florida 33688-2000

DEP File No. FL0036498-001-IW1S
Putnam County

Attention: Plant General Manager

Enclosed is Permit Number FL0036498 to discharge cooling tower blowdown and treated wastewater from the Seminole Electric Cooperative, Inc., Palatka Plant located off U.S. Highway 17, Palatka, Putnam County, Florida 32177, issued under Section 403.0885, Florida Statutes and DEP Rule 62-620, Florida Administrative Code.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 after this notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 01-07-00 to the listed persons.

[Clerk Stamp]

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 01-07-00
(Clerk) (Date)

Copies furnished to:

Charles Alford, Jr. - Chairman, Board of Putnam County Commissioners
Douglas Mundrick - EPA
Dean Campbell - St. Johns River Water Management District
Jennifer Fitzwater - DEP Tallahassee (w/o enclosure)
Buck Owen - DEP Siting Coordination Office
Jerry Owen - DEP Northeast District



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

Seminole Electric Cooperative, Inc.
Post Office Box 272000
Tampa, Florida 33688-2000

Attention: Plant General Manager

FACILITY:

Seminole Electric Cooperative, Inc.
Palatka Plant
State Road 17
Putnam County
Palatka, Florida 32078

Latitude: 29° 42' 41"

Longitude: 81° 38' 14"

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 (NPDES) program. 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:

The facility consists of two coal-fired steam boilers (Units 1 and 2) for electric generation with a nameplate rating of 1200 MW.

WASTEWATER TREATMENT:

Coal pile runoff, bottom ash dewatering system flow, water treatment system wastewater, and other low volume wastewater are treated in an on-site wastewater treatment system (herein referred to as the low volume wastewater treatment system) consisting of equalization, neutralization, coagulation/flocculation, and sedimentation. Domestic wastewater is treated in an on-site 0.018 MGD extended aeration package treatment plant. Cooling tower make-up water is treated for biofouling control and the cooling tower blowdown is dehalogenated prior to discharge. All the above treated effluent streams are discharged to the plant's surge tank and subsequently discharged by common Outfall D-001 to surface waters.

The facility proposes to modify the plant's Flue Gas Desulfurization (FGD) system at the Palatka Plant resulting in a new wastewater purge stream from the FGD system. The new purge stream will be treated in a new on-site wastewater treatment system consisting of chemical precipitation/flocculation followed by clarification and filtration. The treated purge stream will be combined with the low volume wastewater treatment system effluent and discharged

PERMITTEE:
Seminole Electric Cooperative, Inc.
Palatka Plant
Post Office Box 272000
Tampa, Florida 33688-2000

PERMIT NUMBER: FL0036498 Major
ISSUANCE DATE: January 7, 2000
EXPIRATION DATE: January 6, 2005

to the plant's surge tank. Alternatively, the treated FGD purge stream may be discharged to the head of the low volume wastewater treatment system.

EFFLUENT DISPOSAL:

Surface Water Discharge:

This permit authorizes the discharge from Outfall D-001 (combined plant discharge from Units 1 and 2); Internal Outfall I-002 (low volume treated effluent); Internal Outfall I-003 (domestic wastewater treatment system effluent); Internal Outfalls I-04A and I-04B (cooling tower blowdown from Units 1 and 2, respectively); and Outfall I-006 - Treated FGD Purge Stream (proposed). The combined plant discharge, Outfall D-001, discharges to the St. Johns River, a Class III fresh water. The existing annual average daily surface water discharge at Outfall D-001 is 3.77 MGD. The projected annual average daily surface water discharge at Outfall D-001, after the addition of the new purge stream from the FGD system, is 4.346 MGD.

Land Application:

Air preheater wash, boiler fireside wash, and boiler blowdown are discharged to the plant's percolation ponds. The permittee is authorized to discharge to the percolation ponds and to monitor groundwater quality in accordance with the Conditions of Certification, PA 78-10, or modifications thereof.

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

PERMITTEE:
Seminole Electric Cooperative, Inc.
Palatka Plant
Post Office Box 272000
Tampa, Florida 33688-2000

PERMIT NUMBER: FL0036498 Major
ISSUANCE DATE: January 7, 2000
EXPIRATION DATE: January 6, 2005

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the effective date of this permit and lasting through expiration, the permittee is authorized to discharge from **Outfall D-001 - Combined Plant Discharge from Units 1 and 2** during periods of normal plant operation to the St. Johns River.
- a. Such discharges shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
EFFLUENT PARAMETERS	Maximum Daily Avg.	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/Hour	Recorder	EFF-1
Discharge Temperature, °F	96.3	98.9	Continuous	Recorder	EFF-1
Total Residual Oxidant (TRO), mg/l	N/A	0.01	1/Week	Multiple Grabs ¹	EFF-1
Turbidity, NTU	See Item c. below		1/Week	Grab	EFF-1
pH, standards units	See Item d. below		1/Week	Grab	EFF-1
Oil and Grease, mg/l	N/A	7.68	1/Week	Grab	EFF-1
Whole Effluent Toxicity	See Item i. below			Grab	EFF-1
Unionized Ammonia, mg/l as NH ₃	N/A	0.02	1/Quarter	Calculated	EFF-1
Total Ammonia, mg/l as N	N/A	Report	1/Quarter	8-Hr Composite	EFF-1
Total Kjeldahl Nitrogen, mg/l as N	N/A	Report	1/Quarter	8-Hr Composite	EFF-1
Nitrate-Nitrite, mg/l as N	N/A	Report	1/Quarter	8-Hr Composite	EFF-1
Total Phosphorus, mg/l	N/A	Report	1/Quarter	8-Hr Composite	EFF-1
Orthophosphate, mg/l	N/A	Report	1/Quarter	8-Hr Composite	EFF-1
Effluent Hardness, mg/l as CaCO ₃	NA	Report	1/Quarter	8-Hr Composite	EFF-1
Specific Conductivity, µmhos/cm	N/A	8,653	1/Quarter ²	8-Hr Composite ²	EFF-1
Beryllium, µg/l	See Item e. below		1/Quarter	8-Hr Composite	EFF-1
Copper, µg/l	N/A	306.0/295.0 ³	1/Quarter	8-Hr Composite	EFF-1
Cyanide, µg/l	N/A	19.6	1/Quarter	8-Hr Composite	EFF-1
Iron, mg/l	N/A	2.40/2.33 ³	1/Quarter	8-Hr Composite	EFF-1
Mercury, µg/l	N/A	0.2	1/Quarter	8-Hr Composite	EFF-1
Nickel, µg/l	N/A	See Footnote ⁴	1/Quarter	8-Hr Composite	EFF-1
Selenium, µg/l	N/A	11.7	1/Quarter	8-Hr Composite	EFF-1
Silver, µg/l	N/A	0.07	1/Quarter	8-Hr Composite	EFF-1
Zinc, µg/l	N/A	434.0/419.0 ³	1/Quarter	8-Hr Composite	EFF-1

¹ Multiple grabs shall consist of grab samples collected at approximately the beginning, middle, and end of an 8-hour period following initiation of cooling tower blowdown.

² Upon initiation of the new FGD purge stream sampling shall be monitored and reported in accordance with General Condition VIII.18.b.

³ The first value is the interim limitation and the second value is the final limitation. Interim limitations apply until such time there is discharge from the new FGD purge stream wastewater treatment plant after which time final limitations apply.

⁴ The water quality standard is the hardness-based standard as specified in FAC 62-302.530 (dated 12-26-96) for Class III freshwater. The water quality standard shall be calculated by inserting the appropriate effluent hardness value into the following formula:

$$Ni = e^{[0.846(\ln H + 1.1645)]}$$

PERMITTEE:
Seminole Electric Cooperative, Inc.
Palatka Plant
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- b. The location of sampling points as specified above are as follows:
- EFF-1 - at the discharge from the surge tank prior to mixing with the receiving waters.
- c. The turbidity shall be not greater than 29 NTUs above background as measured at the plant intake.
- d. The pH shall not be less than 6.0 standard units or greater than 8.5 standard units.
- e. The annual average limitation for beryllium is 0.13 µg/l.
- f. All metals shall be analyzed and reported as total recoverable.
- g. Interim and final mixing zones for those effluent parameters identified below are being granted to the permittee. Due to the fact that the proposed FGD purge stream will act as a diluent for some parameters it became necessary to grant interim and final mixing zones for those parameters. The interim mixing zones will be in effect at the time of permit issuance and will remain in effect until there is a discharge from the new FGD purge stream wastewater treatment plant. After that time final mixing zones will be in effect for those parameters. For parameters that do not have interim mixing zones, final mixing zones are in effect at the time of permit issuance.

Parameter	Interim Mixing Zone Size (m ³)	Final Mixing Zone Size (m ³)
Copper	110,040	36,949
Cyanide	NA	108
Iron	154	15
Mercury	NA	36,277
Oil and Grease	NA	23
Selenium	NA	7
Specific Conductivity	NA	170
Temperature	NA	39
Zinc	315	29

Compliance with the effluent limitations in Section I.A.1.a above will provide demonstration that State water quality standards at the edge of the approved mixing zones are being met.

- h. The segment of the St. Johns River (2213L) that the Palatka Plant discharges into via Outfall D-001 is listed in the State 305(b) report for lead, cadmium, copper, silver, and nutrients; however, the Total Maximum Daily Load(s) (TMDL) for this segment of the St. Johns River has not been established for these parameters. Once a final TMDL for Segment 2213L of the St. Johns River has been established, this permit may be modified, by the Department and pursuant to Florida Administrative Code rule 62-620.325, to incorporate the final findings of the TMDL.
- i. The permittee shall initiate a series of tests described below (beginning within 30 days of permit issuance) to evaluate whole effluent toxicity of the discharge from Outfall D-001. The permittee is required to conduct toxicity tests twice per year for the duration of the permit or until the initiation of discharge of the proposed treated FGD purge stream at which time the frequency of toxicity testing shall be increased to four times per year. If the results of the toxicity tests during a one year period (four quarterly tests) indicate no unacceptable toxicity as defined in 4.a. below, the permittee may petition the Department to reduce the frequency of toxicity testing. Only upon written approval by the Department shall the testing frequency be reduced.

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Palatka Plant
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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 and the effluent used will be adjusted to an appropriate salinity using artificial sea salts as described in EPA/600/4-90/027F, Section 7, or the most current edition. The appropriate tests salinity shall be determined as follows:

- When the salinity of the effluent is between 1 and 5 parts per thousand (ppt), the following salinity adjustment shall be used in the test of 100% effluent. For the Mysidopsis bahia bioassays, the effluent and the control (0% effluent) shall be adjusted using artificial sea salts to a final test salinity determined as the effluent salinity plus 6 ppt. No salinity adjustment shall be done for the Menidia beryllina bioassay test of the 100% effluent.
- When the salinity of the effluent is greater than 5 parts per thousand, no salinity adjustment shall be made and the test shall be run at the effluent salinity.

A standard reference toxicant quality assurance (QA) acute toxicity test shall be conducted concurrently or no greater than 30 days before the date of the "routine" test, with each species used in the toxicity tests. The results of all QA toxicity tests shall be submitted with the discharge monitoring report (DMR). Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

1. (a) The permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid shrimp, Mysidopsis bahia, and the inland silverside, Menidia beryllina. All tests will be conducted on a single grab sample of 100% effluent collected during the mid-period of cooling tower blowdown.

(b) 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.
2. 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
Industrial Wastewater Section
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

3. (a) All "routine" test shall be conducted using a control (0% effluent) and one test concentration of 100% final effluent.

(b) Mortalities of greater than 50% in any sample of 100% effluent in any "routine" test or an LC50 of less than 100% effluent in any additional definitive test will constitute a violation of these permit conditions and Rule 62-302.200(1), Rule 62-302.500(1)(a)4, and Rule 62-4.244(3)(a), F. A. C.
4. (a) If unacceptable acute toxicity (greater than 20% mortality in any grab sample of 100% effluent) is determined in a "routine" test, the permittee shall conduct three additional tests on each species indicating acute toxicity. Each additional test will include a grab sample taken as described in 1.a. and

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run as a definitive analysis. Results for each additional test will include the determination of LC50 values with 95% confidence limits.

(b) 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. 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.

(c) For each additional test, the sample collection requirements and the test acceptability criteria specified in Section 1 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 three additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present.

(d) Results from additional tests, required due to unacceptable 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 third additional, valid test. If the additional test(s) demonstrate unacceptable toxicity, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the unacceptable toxicity.

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2. During the period beginning on the effective date of this permit and lasting through expiration, the permittee is authorized to discharge from **Internal Outfall I-002 - Low Volume Treated Effluent⁵**, during periods of normal plant operation to the surge tank thence Outfall D-001.

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

EFFLUENT PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Maximum Monthly Average	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	Continuous	Recorder	EFF-2
Oil and Grease, mg/l	12.0	15.0	1/Week	Grab	EFF-2
Total Suspended Solids, mg/l	30.0	81.0	1/Week	Grab	EFF-2

- b. The location of sampling points as specified above are as follows: EFF-2 - at a location after low volume wastewater treatment system effluent mixes with the treated FGD purge stream but prior to discharge to the surge tank.

3. During the period beginning on the effective date of this permit and lasting through expiration date of this permit, the permittee is authorized to discharge from **Internal Outfall I-003 - Domestic Wastewater Treatment System Effluent**, during periods of normal plant operation to the surge tank thence Outfall D-001.

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

EFFLUENT PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Maximum Annual Average	Maximum Monthly Average	Maximum Daily Average	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	N/A	N/A	0.018	Continuous	Totalizer	EFF-3
Biochemical Oxygen Demand (5-day), mg/l	20.0	25.0	60.0	1/month	Grab	EFF-3
Total Suspended Solids, mg/l	20.0	30.0	60.0	1/month	Grab	EFF-3
Fecal Coliform Bacteria, #/100ml	See Item b. below			1/month	Grab	EFF-3
Total Residual Chlorine, mg/l	See Item c. below			5/Week	Grab	EFF-3

- b. The fecal coliform count shall not exceed 800 per 100 ml for any one sample and the annual average shall not exceed 200 per 100 ml.

⁵ This outfall includes the discharge from both the low volume wastewater treatment system and the proposed FGD purge stream treatment system.

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- c. The total residual chlorine shall not be less than 0.5 mg/l.
- d. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of an operator certified in accordance with Chapter 61E12-41, 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, an operator with appropriate certification must be on the site as follows:

A Class D or higher operator for 3 nonconsecutive visits/week for 1 1/2 hours/week.

- e. The location of sampling points as specified above are as follows: EFF-3 - at the outlet from the domestic wastewater treatment system but prior to discharge to the surge tank.
- 4. During the period beginning on the effective date of this permit and lasting through expiration date of this permit, the permittee is authorized to discharge from Internal Outfalls I-04A and I-04B - Cooling Tower Blowdown From Units 1 and 2, respectively, during periods of normal plant operation to the surge tank thence Outfall D-001.
 - a. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Monthly Average	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	Continuous	Recorder	EFF-4, -5
Temperature, °F	Report	Report	Continuous	Recorder	EFF-4, -5
Total Suspended Solids, mg/l	Report	NA	1/week	Grab	EFF-4, -5
Time of Chlorine Discharge, hours/day/unit	See Item f. below		Daily	Logs	EFF-4, -5
Specific Conductivity, µmhos/cm	Report	Report	Continuous	Recorder	EFF-4, -5

- b. The location of sampling points as specified above are as follows:
 - EFF- 4 and 5 - the outlets from the Unit 1 and 2 cooling towers, respectively, and at a location after the dechlorination system but prior to discharge to the surge tank.
- c. Discharge of blowdown from the cooling towers shall be limited to the minimum discharge of recirculating water necessary for the purpose of discharging materials, contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice. Discharge temperature shall not exceed the lowest temperature of the recirculating cooling water prior to the addition of makeup.
- d. Discharge of detectable levels of asbestos due to asbestos-containing fill or other cooling tower components is not authorized by this permit.

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- e. The permittee shall, within 30 days of permit issuance and yearly thereafter, provide certification that the 126 priority pollutants (as listed in 40 CFR Part 423, Appendix A) are not being discharged in detectable concentrations in the cooling tower blowdown as a result of the addition of any maintenance chemicals. Compliance shall be demonstrated by one of the three methods:

Method 1 - sampling at a frequency of not less than once per year for all priority pollutants referenced above with submission of analysis results with each certification.

Method 2 - submission of certification(s) from the manufacturer that each product used contains no priority pollutants. Such submission is required only once for each product used, unless subsequent changes in the product formulation occur or the product is obtained from a different source. Certifications for all products in use shall be maintained on site.

Method 3 - calculations to assure that if priority pollutants are contained in any product(s), no discharge of any individual priority pollutant can occur at concentrations greater than 10 micrograms per liter due to dilution within the cooling system.

The certification shall be in the following form: "I certify that no priority pollutants in excess of 10 ppb are being discharged from any maintenance chemicals added to the cooling towers. Compliance is demonstrated by Method ____."

- f. Neither Free Available Oxidant (FAO) nor Total Residual Oxidant (TRO) shall be discharged from any one unit for more than two hours in any one day and not more than one unit shall discharge FAO or TRO at any one time (as required in 40 CFR 423.15(j)(1) and (2)).

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5. During the period beginning at discharge and lasting through expiration date of this permit, the permittee is authorized to discharge from **Outfall I-006 - Treated FGD Purge Stream** (proposed) to the surge tank or, alternatively, to the head of the low volume wastewater treatment system.

- a. The discharge shall be monitored by the permittee as specified below:

EFFLUENT PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Maximum Daily Average	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	Continuous	Totalizer	EFF-6
Total Ammonia, mg/l as N	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Arsenic (total), µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Beryllium, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Cadmium, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Total Chromium, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Copper, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Cyanide, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Iron, mg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Lead, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Mercury, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Nickel, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Selenium, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Silver, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Zinc, µg/l	NA	Report	1/Quarter	8-Hr Comp.	EFF-6
Specific Conductivity, µmhos/cm	NA	Report	1/Quarter	8-Hr Comp.	EFF-6

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

EFF-6 - after the discharge from the FGD purge stream wastewater treatment plant but prior to mixing with other waste streams.

- c. After four quarters of reporting the permittee may request a reduction or discontinuance of monitoring for the above parameters.

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6. During the period beginning on the effective date of this permit and lasting through expiration date of this permit, the permittee shall monitor the **Plant Intake (D-005)**.

- a. The intake shall be monitored by the permittee as specified below:

EFFLUENT PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Maximum Daily Average	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	Continuous	Totalizer	INT-1
Temperature, °F	Report	Report	Continuous	Recorder	INT-1
Oil and Grease, mg/l	NA	Report	1/Week	Grab	INT-1
Turbidity, NTU	NA	Report	1/Week	Grab	INT-1
Ammonia, mg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Unionized Ammonia, mg/l as NH ₃	NA	Report	1/Quarter	Calculated	INT-1
Total Kjeldahl Nitrogen, mg/l as N	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Nitrate-Nitrite, mg/l as N	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Copper, µg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Cyanide, µg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Iron, mg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Mercury, µg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Selenium, µg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Zinc, µg/l	NA	Report	1/Quarter	8-Hr Comp.	INT-1
Specific Conductivity, µmhos/cm	NA	Report	1/Quarter	8-Hr Comp.	INT-1

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

INT-1 - at the intake to the plant.

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B Other Limitations and Monitoring and Reporting Requirements:

1. The approved analytical methods and corresponding Department established MDL (method detection limit) and PQL (practical quantification limit) are listed for the following parameters:

Parameter	EPA Method	MDL (ug/l)	PQL (ug/l)
Arsenic	206.2/200.7	1.0/3.2	4.0/10.0
Beryllium	200.7/210.2	1.0/1.0	5.0/5.0
Cadmium	213.2/200.7	0.02/0.71	0.08/5.0
Total Chromium	218.2/200.7	1.0/2.1	4.0/10.0
Copper	220.2/200.7/220.1	1.0/6.0/15.0	10.0/25.0/50.0
Cyanide	335.3/335.2	8.8/10.0	10.0/16.0
Iron	236.2/200.7/236.1	2.0/18/30.0	10.0/50.0/100.0
Lead	239.2/200.7	1.0/1.5	4.0/5.0
Mercury	245.1/245.2	0.2/0.2	0.5/0.5
Nickel	200.7/249.1	10.0/20.0	50.0/50.0
Selenium	270.3/200.7/270.2	2.0/2.0/3.3	5.0/5.0/10.0
Silver	272.2/200.7	0.10/0.10	0.50/0.50
Zinc	289.1/200.7	15.0/5.9	15.0/20.0
Oil & Grease	1664	1800	5000
Total Residual Oxidant	330.1/330.5/330.4	10.0/10.0/10.0	30.0/30.0/30.0

The MDLs and PQLs listed above shall constitute the minimum reporting levels for the life of the permit. The Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those listed above. Unless otherwise specified, sample results shall be reported as follows:

When the analytical results are below method detection or practical quantification limits, the permittee shall report the analytical results in accordance with the instructions on the applicable discharge monitoring report (DMR).

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 time 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.

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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 Northeast District Office at the address specified below:

Florida Department of Environmental Protection
Northeast District
Suite 2008, 7825 Baymeadows Way
Jacksonville, FL 32256
Phone Number (904) 448-4300

4. The discharge of metal cleaning waste to surface waters is not authorized by this permit. Metal cleaning waste is any wastewater resulting from cleaning, with or without chemical cleaning compounds any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning. For clarification, waterborne residues derived from cleaning any metal process equipment are considered metal cleaning waste. Other unauthorized discharges includes the discharge of construction runoff.
5. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, nor conduct construction activities in a manner which produces uncontrolled runoff unless such uncontrolled runoff has been specifically approved by the Department. "Uncontrolled shall mean without a sedimentation basin or other controls approved by the Department.
6. Flush water used to remove ash adhering to the boiler tubes after a unit is taken off-line (i.e., non-chemical boiler flush water) may be discharged to the bottom ash transport water system and the low volume wastewater treatment facility prior to final discharge via Outfall D-001.
Intake screen backwash may be discharged without limitation or monitoring requirements.
7. In order to determine compliance with the discharge limitations specified in Section I.A of this permit sampling results shall be calculated and reported as follows:

Daily Average Value - the average of all sampling results for a parameter for a single day.

Monthly Average Value - the average of all daily average values for a monthly period.

Instantaneous Value - the value of a single sampling result taken at any given time or for composite samples the value of a single composite sample result.

When only one sample is required to be taken per day then the value of that sampling result shall be the daily average value. Likewise for weekly and monthly averages when only one sample is taken during the week or month, respectively.

8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
9. There shall be no discharge of floating debris, scum, oil, or other matter in such amounts as to form nuisances or produce color, odor, taste, turbidity, or other conditions in such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with FAC 62-302.500(1)(a) and 62-302.530(50)(b). Any such discharges to water of the State shall be reported to the Department when submitting DMR's.

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10. Monitoring requirements specified in Section I.A of this permit shall begin on the first day of the next month after the permit issuance date.
11. 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. The company shall notify the Department in writing prior to instituting use of any biocide or chemical (except the use of chlorine in the cooling towers) 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
 - 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 minor or major permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without prior approval by the Department.

12. 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.
13. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code
14. Within 60 days of initiation of discharge of the treated FGD purge stream to Outfall 001, the permittee shall perform a one time chemical analysis of the combined discharge from Outfall 001. This analysis shall include all parameters included in DEP Form 2CS-Part VII-C except for pesticide compounds. This data is subject to the re-opener clause of Section VII-C of this permit.
15. Within 60 days of initiation of discharge of the treated FGD purge stream to Outfall 001, the permittee shall conduct additional mercury monitoring of the combined discharge from Outfall 001 and the intake at D-005 using the low-level EPA Method 1631. Monitoring shall consist of a minimum of one grab sample taken once every month for 18 months at both the intake (INT-1) and the discharge (EFF-1). Sampling at the intake and discharge shall be done concurrently. Results of the monitoring shall be submitted to the Department in accordance with the compliance schedule contained in Part VI of this permit. The monitoring results will be used by the Department to further assess the mercury levels in the discharge and to determine the size of the mercury mixing zone for the next permit cycle, if a mixing zone is requested at that time.

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II. Industrial Sludge Management Requirements

A. Basic Management Requirements:

1. The disposal of sludge or other solids generated from treatment and disposal systems shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C. and as allowed in the facility's Conditions of Certification or modifications thereof, Reference 78-10.

III. Ground Water Monitoring Requirements

The ground water monitoring requirements for this facility are provided in the facility's Conditions of Certification, PA 78-10, or modifications thereof.

IV. Other Land Application Requirements -

The permittee is authorized to discharge to the percolation ponds in accordance with the Conditions of Certification, PA 78-10, or modifications thereof.

V. Operation and Maintenance Requirements

A. 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.
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;

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- f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from date on the logs for schedule.

VI. Compliance Schedules and Self-Imposed Improvements Schedules

1. The permittee shall achieve compliance with the effluent limitations specified for discharge in accordance with the following schedule:
 - a. Operational level attained..... Issuance Date (ID) of permit
 - b. Best Management Practices Pollution Prevention (BMP3) Plan (See Part VII, Subpart D)
 - (1) Develop plan..... ID of permit plus 3 months
 - (2) Implement plan..... ID of permit plus 6 months
 - b. Submittal of DEP Form 2CS-Part VII-C except for pesticide compounds (See Condition I.B.14) Initiation of FGD purge stream discharge plus 3 months
 - d. Submittal of additional Mercury monitoring (See Condition I.B.15) Initiation of FGD purge stream discharge plus 20 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.

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 requirements only 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.

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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 through 62-620.460, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this 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.

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)(23)(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.

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

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.

D. Specific Conditions Related to Best Management Practices Condition

1. Best Management Practices Plan:

In accordance with Rule 62-620.620(1)(n), the permittee shall develop and implement a Best Management Practices plan 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,

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- 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 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.

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:

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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.
- 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.

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- (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.

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 Development & Implementation:

The BMP3 plan shall be developed or updated 6 months prior to commercial operation and implemented upon commercial operation, unless any later dates are specified by the Department.

9. 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.

10. 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

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- 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.

11. 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:
[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), 11-29-94]
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), 11-29-94]
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

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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), 11-29-94]

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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]

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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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
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), 11-29-94]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, 62.420 or 62.620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 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), 11-29-94]
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), 11-29-94]

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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), 11-29-94]
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), 11-29-94]
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. 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), 11-29-94]

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21. The permittee shall report all instances of noncompliance not reported under Conditions VIII.17 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), 11-29-94]

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), 11-29-94]

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.

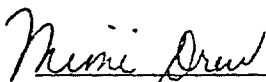
c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), 11-29-94]

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Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Mimi Drew
Director
Division of Water Resource Management

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