

ATTACHMENT J
DRAFT ORDER AND ASSOCIATED NPDES PERMIT
BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE TALLAHASSEE OFFICE OF THE DEPARTMENT

In regards to:

{Contractor}
{Address}
{City, State Zip}

Piney Point Phosphates Plant
Wastewater Permit No. FL0000124
FDEP FILE NO. FL0000124-004-AA

DRAFT

ADMINISTRATIVE AGREEMENT

This Administrative Agreement is entered into between the State of Florida Department of Environmental Protection ("Department") and **{Contractor Name}** ("Contractor"), as a binding agreement for the operation of a wastewater facility associated with the closure and long-term care of the phosphogypsum stack system, as described in this Administrative Agreement.

1. The Department and **{Contractor Name}** agree to the following facts:
 - a. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated thereunder, Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Administrative Agreement. The Department contends that the facility referenced in this Administrative Agreement is subject to one or more of the following; Section 403.088, Florida Statutes, and Chapters 62-160, 62-620, 62-660, 62-520, 62-522, 62-550, 62-672, and 62-673 F.A.C.
 - b. **{Contractor Name}** is a person within the meaning of Section 403.031(5), of the Florida Statutes.
 - c. On October 6, 1999, Wastewater Permit No. FL0000124 [FDEP File No. FL0000124-001, herein referred to as the Wastewater Permit] was issued to Piney Point Phosphates, Incorporated for the operation of a phosphate fertilizer manufacturing facility including a phosphogypsum stack system and the discharge of treated wastewater through two outfalls, 002 and 003. Outfall 002 discharges into Piney Point Creek, which empties into Tampa Bay. Outfall 003 discharges into Buckeye Road ditch, which flows into Bishops Harbor and thence to Tampa Bay. The permit had an expiration date of March 25, 2001. The facility is located at 13300 Highway 41 North, Palmetto in Manatee County, Florida and geographically at:

Latitude: 27° 53' 30" N Longitude: 81° 57' 30" W.
 - d. On September 22, 2000, Piney Point Phosphates, Incorporated submitted an application [FDEP File No. FL0000671-002] for the renewal of the Wastewater Permit.
 - e. On December 4, 2000, the Department issued a denial for the renewal of the Wastewater Permit [FDEP File No. FL0000124-002] to Piney Point Phosphates, Incorporated.
 - f. On December 13, 2000, Piney Point Phosphates, Incorporated filed a Petition For Extension Of Time To File A Petition For An Administrative Hearing with the Department. On February 7, 2001, Piney Point Phosphates, Incorporated filed a second Petition For Extension Of Time To File A Petition For An Administrative Hearing and also filed a petition for formal administrative proceedings.
 - g. On February 8, 2001, Piney Point Phosphates, Incorporated filed a Chapter 11 petition for reorganization with the United States Bankruptcy Court that was converted to Chapter 7 on August 15, 2001.

- h. Piney Point Phosphates, Incorporated retains ownership of the Piney Point facility including the phosphogypsum stack, cooling ponds, slurry walls, conveyance ditches, related pipes and pumps, and all real estate property beneath the same.
- i. On {Date}, 2004 the Contractor entered into a Contract Number [No. EXC00*] (Contract) with the Department pursuant to which the Contractor will provide services to the Department relating to the closure and long term care of the Phosphogypsum Stack System with the intent of minimizing the present environmental risks at the Piney Point Phosphates Facility, closing the Phosphogypsum Stack System, treatment and disposal of all process water, long-term care of the facility including the closed Phosphogypsum Stack System, and other services as more fully detailed in the Contract.
2. The Department intends to transfer the FDEP Wastewater Permit Number FL0000124 to {Contractor Name} on the effective date of this Administrative Agreement. The Wastewater Permit and this Administrative Agreement will continue in-force until the Department takes Final Agency Action on re-issuance of the Wastewater Permit for which an application must be submitted by the Contractor no later than one year from the effective date of this Administrative Agreement.
3. Having reached a resolution of the matter, the Department and {Contractor Name} mutually agree and enter into the following:
- a. {Contractor Name} commits and agrees to comply with the conditions of the Administrative Agreement while it is in effect.
- b. The Department agrees that the interim surface water discharge limits in Section 5. below will be included in an Administrative Order that will accompany the re-issued Wastewater Permit. The interim surface water discharge limits will apply until such time as closure of the phosphogypsum stack system is complete.
4. During the time period that this Administrative Agreement is in effect, the Contractor shall comply with all conditions of the Wastewater Permit except as modified by this Administrative Agreement. In lieu of Parts I., III., IV., V. and VI. of the Wastewater Permit, the Contractor shall comply with the following Interim conditions. The Interim conditions will remain in effect for the full term of this Administrative Agreement.

5. Surface Water Discharges – Interim

The Contractor shall comply with the interim limits referenced below beginning on the effective date of this Administrative Agreement and ending as specified in the paragraphs above. During this interim period, the Contractor is authorized to discharge treated non-process wastewater and stormwater from Outfall 002, and treated process wastewater and stormwater from Outfall 003. Such discharges shall be limited and monitored by the Contractor as specified below:

- a. Discharge from Outfall 002:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	N/A	Report	Report	Continuous	Recorder	EFF-02
pH (SU) (See Parts 5.g. & 5.h.)	6.0	Report	8.5	Continuous	Recorder	EFF-02
Specific Conductance (Effluent) (UMHO/CM)	N/A	Report	1275.0 (See Part 5.c.)	1/week	Grab	EFF-02
Temperature (F), Water (DEG.F) (See Part 5.h.)	N/A	Report	Report	1/week	Grab	EFF-02
Dissolved Oxygen (DO) (MG/L)	5.0	Report	N/A	1/week	Grab	EFF-02
Solids, Total Suspended (TSS) (MG/L)	N/A	Report	Report	1/week	Grab	EFF-02
Nitrogen, Total Ammonia (as N) (MG/L) (See Part 5.h.)	N/A	Report	Report	1/week	Grab	EFF-02

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Ammonia, Unionized (as NH ₃) (MG/L) (See Part 5.h.)	N/A	Report	0.02	1/week	Calculated	EFF-02
Nitrogen, Total (as N) (MG/L) (See Part 5.k.)	N/A	Report	Report	1/week	Grab	EFF-02
Nitrogen, Total (as N) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report (See Part 5.j.)	1/week	Calculated	EFF-02
Phosphorus, Total (as P) (MG/L) (See Part 5.k.)	N/A	Report	Report	1/week	Grab	EFF-02
Phosphorus, Total (as P) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report (See Part 5.j.)	1/week	Calculated	EFF-02
Fluoride, Total (as F) (MG/L)	N/A	Report	10.0	1/week	Grab	EFF-02
Turbidity (NTU)	N/A	Report	Report	1/week	Grab	EFF-02
Whole Effluent Toxicity - Acute	(See Part 5.l.)					EFF-02

b. Discharge from Outfall 003:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow, (MGD)	N/A	Report	Report (See Part 5.j.)	Continuous	Recorder	EFF-03
pH (SU) (See Parts 5.g. & 5.h.))	6.0	Report	8.5	Continuous	Recorder	EFF-03
Specific Conductance (Effluent) (UMHO/CM)	N/A	Report	6000.0 (See Part 5.d.)	1/week	Grab	EFF-03
Temperature (C), Water (DEG.C) (See Part 5.h.)	N/A	Report	Report	1/week	Grab	EFF-03
Dissolved Oxygen (DO) (MG/L)	5.0	Report	N/A	1/week	Grab	EFF-03
Solids, Total Suspended (TSS) (MG/L)	N/A	Report	Report	1/week	24-hr. composite	EFF-03
Nitrogen, Ammonia, Total (as N) (MG/L) (See Part 5.h.)	N/A	Report (See Part 5.l.)	Report (See Part 5.l.)	1/week	Grab	EFF-03
Nitrogen, Ammonia, Total (as N) (LBS/DAY) (See Part 5.h.)	N/A	100	200	1/week	Grab	EFF-03
Ammonia, Unionized (as NH ₃) (MG/L) (See Part 5.h.)	N/A	Report	0.02	1/week	Calculated	EFF-03
Nitrogen, Total (as N) (MG/L) (See Part 5.k.)	N/A	Report	Report	1/week	Grab	EFF-03
Nitrogen, Total (as N) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report	1/week	Calculated	EFF-03
Phosphorus, Total (as P) (MG/L) (See Part 5.k.)	N/A	Report	Report	1/week	24-hr. composite	EFF-03
Phosphorus, Total (as P) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report	1/week	Calculated	EFF-03
Phosphate, Ortho (as P) (MG/L)	N/A	9.0	Report	1/week	Grab	EFF-03
Nitrogen, Nitrate + Nitrite (as N) (MG/L)	N/A	1.0	Report	1/week	Grab	EFF-03
Nitrogen, Total Organic (as N) (MG/L)	N/A	4.0	Report	1/week	Grab	EFF-03

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Fluoride, Total (as F) (MG/L)	N/A	Report	10.0 (See Part 5.o.)	1/week	24-hr. composite	EFF-03
Sulfate, Total (MG/L)	N/A	Report	Report	1/month	Grab	EFF-03
Alkalinity (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Aluminum (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Arsenic (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Barium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Beryllium (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Biological Oxygen Demand (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Cadmium (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Calcium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chemical Oxygen Demand (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chloride (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chromium (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Color (PCU)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Copper (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Iron (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Lead (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Magnesium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Manganese (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Nickel (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Potassium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Selenium (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Silica (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Silver (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Total Dissolved Solids (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Total Hardness (as CaCO3) (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Total Organic Carbon (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Zinc (UG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Alpha, Gross Particle Activity (PCI/L) (See Part 5.f.)	N/A	Report	15.0	1/month	24-hr. composite	EFF-03
Radium 226 + Radium 228, Total (PCI/L) (See Part 5.f.)	N/A	Report	5.0	1/month	24-hr. composite	EFF-03
Whole Effluent Toxicity - Acute	(See Part 5.l.)					EFF-03

- c. (1) Specific Conductance of discharges from Outfall 002 shall be limited in accordance with Rule 62-302.530(23), F.A.C., for Class III fresh waters of the State.
- (2) Based upon information contained in a WQBEL study, dated October 1993, interim relief for specific conductance from Rule 62-302.530 (23), F.A.C. has been granted for discharges from Outfall 003 into Buckeye Road Ditch. The interim effluent limitation for specific conductance at Outfall 003 shall be 6,000 μ mhos/cm.
- d. There shall be no discharge of floating solids or visible foam in other than trace amounts. [62-302.500, F.A.C.]
- e. The discharge shall not cause a visible sheen on the receiving water. [62-302.500, F.A.C.]
- f. The concentration of combined radium 226 & 228, as well as gross alpha particle activity in the discharge shall be limited in accordance with Rules 62-302(58)(a), and 62-302(58)(b), F.A.C., respectively. During any sampling event performed in accordance with the monitoring requirements of 5.b. above, a properly preserved sample must be taken for the determination of gross alpha activity as well as combined radium (Ra 226 & 228). The sample must be first analyzed for gross alpha activity. If the value of gross alpha activity equals or exceeds the MCL of 15 pCi/l, the same sample shall be analyzed for combined radium.
- g. The pH of the discharge shall be limited in accordance with the provisions of Rule 62-302.530(52)(c), F.A.C., for Class III fresh waters of the State. The monthly average range of pH for treated process wastewater via Outfall 003 is based upon the recommendations of a Level II WQBEL study performed for this discharge.
- h. Effluent samples for pH and temperature shall be taken simultaneously with each total ammonia grab sample. Un-ionized ammonia shall be calculated in accordance with **Table I** (attached). 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 also be reported on the attachment. The daily maximum value for un-ionized ammonia for each reporting period shall be reported on the DMR.
- i. Unless specified elsewhere in the Administrative Agreement, approved sampling stations shall be at the designated outfall structures. Samples shall be taken at the nearest accessible point after final treatment but prior to the actual mixing with the receiving water to achieve compliance with the monitoring requirements specified in Conditions 5.a. and 5.b. above.
- j. The Contractor shall monitor and report loading for total nitrogen (as N) and total phosphorus (as P) from Outfall 002 as listed in Condition 5.a. above. The facility shall only be operated as authorized by this Administrative Agreement and shall make no changes outside of the scope of this authorization, which would increase nutrient loading above historic values without prior approval from the Department. The total nitrogen and total phosphorus target load limits are fixed as follows:
- (1) A target mass load for total nitrogen of **2,729** lbs/year has been calculated based upon historical water quality and estimated flow of 109 MG/year. The target nitrogen loading for a 5-year period shall be limited to **13,645** lbs.

If the total nitrogen target values and/or the total phosphorus target values are exceeded for the discharge from Outfall 002 authorized by this Administrative Agreement, the Contractor shall immediately contact the Department within 3 days and within 7 days submit a written explanation for the exceedance. The Contractor shall also describe what follow-up action is necessary, if any, to provide reasonable assurance that the requirements of Florida Administrative Code Rule 62-302.530(48) [Nutrients] will be met and to prevent reoccurrence of the exceedance, which is inconsistent with the requirements of this condition.

- k. The reported nutrient loadings for Total Nitrogen and Total Phosphorus are to be calculated using the total daily flow recorded for the day on which the sample is taken.
- l. The permittee shall initiate the series of tests described below within 60 days of permit issuance, unless otherwise directed by the Department in writing, to evaluate whole effluent toxicity of the discharge from Outfalls 002 and 003. All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th ed., EPA821-R-02-012, 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 821-R-02-012, Section 7.2.4, or the most current edition. The appropriate tests salinity shall be determined as follows:

- When the salinity of the effluent is between 1 and 6 parts per thousand (ppt), the following salinity adjustment shall be used in the test of 100% effluent. For the Americamysis bahia bioassays, the effluent and the control (0% effluent) shall be adjusted to a salinity of 6-7 ppt for the 100% effluent test using artificial sea salts. 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 6 parts per thousand, no salinity adjustment shall be made and the test shall be run at the effluent's salinity for both species.

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, Americamysis bahia, and the inland silverside, Menidia beryllina. All routine tests will be conducted on a single grab sample of 100% effluent.
- (b) If control mortality exceeds 10% for either species in any test, the test 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) (a) The toxicity tests shall be performed on a bi-annual basis, once during the wet season (July through September) and once during the dry season (December through February). These tests are referred to as "routine" tests.
- (b) Results from "routine" tests shall be reported according to EPA 821-R-02-012, Section 12, Report Preparation (or the most current edition), and shall be submitted to the Department at the address listed in Part 6.b. below.
- (c) Results from "routine" tests shall be reported on the Discharge Monitoring Report (DMR) to the Department per Part 6.c. in the following manner:
- i. If greater than 50% mortality occurs in the grab sample test for the test species, "<100" (less than 100% effluent) should be entered on the DMR for that test species.
 - ii. If 50% or less mortality occurs in the grab sample test for the test species, ">100" (greater than 100% effluent) should be entered on the DMR for that test species.
 - iii. For each additional test required, the calculated LC50 value should be entered on the DMR for that test species.
- (3) (a) All "routine" tests shall be conducted using a control (0% effluent) and one test concentration of **100%** final effluent.
- (b) For the duration of this permit, unless otherwise directed in writing by the Department the acute toxicity tests described herein shall be conducted as "monitoring/report only".

- (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. The first additional test will include a single grab sample taken as described in (1)(a) above and run as a definitive analyses. The second and third additional definitive tests will be run on a single grab sample collected on the day and time as the “routine” test. Results for each additional test will include the determination of LC50 values with 95% confidence limits.
- (b) Each 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 unacceptable 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 821-R-02-012, Section 12, or the most current edition and submitted within 45 days of completion of the third additional, valid test. Upon completion of the third additional test, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the unacceptable toxicity.
- m. When Outfall 003 is discharging, the Contractor shall collect water samples from Instream Stations X-1, X-2, AR, and BR/41 as shown in **Figure 3**, located upstream and down stream from Outfall 003, and monitor as described below:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow, (cfs)	N/A	Report	Report	1/ week	Calculation
Total Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Total Phosphorus (mg/l)	N/A	Report	Report	1/ week	Grab
pH (su)	Report	Report	Report	1/ week	Grab
Specific Conductivity (µmhos/cm)	N/A	Report	Report	1/ week	Grab

X-1 = Upstream background station in the Buckeye Road ditch (south side).

003 = Discharge Outfall.

BR/41 = Downstream station in the Buckeye Road ditch (north side) east of U.S. 41.

X-2 = Downstream station in the US 41 ditch (west side) where the Buckeye Road ditch joins.

AR = Downstream station in the CSX Railroad ditch at Armstrong Road (south side).

- n. When Outfall 002 is discharging, the Contractor shall collect water samples from Instream Stations 002C [SWB-02] and 002D [SWD-02] (see **Figure 4**), located upstream and down stream respectively from Outfall 002. Since the location of 002C is yet to be determined (see Condition 9.i.), monitoring at this location shall begin within 30 days upon receipt of written Departmental approval. The stations shall be monitored as described below:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Total Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Total Phosphorus (mg/l)	N/A	Report	Report	1/ week	Grab
pH (su)	Report	Report	Report	1/ week	Grab
Specific Conductivity (µmhos/cm)	N/A	Report	Report	1/ week	Grab
Turbidity (NTUs) [at SWB-02 only]	N/A	Report	Report	1/ week	Grab

- o. Effluent samples shall be taken at the monitoring site locations listed in Conditions 5.a. and 5.b. as described in the table below:

Sample Point	Latitude	Longitude	Description of Monitoring Location
EFF-02	27° 53' 30" N	81° 57' 30" W	North of the DAP pond
EFF-03	27° 53' 00" N	81° 56' 45" W	Southeast of process water ponds
SWB-02	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	To Be Determined (See Condition 9.i.)
SWD-02	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	WQBEL Station X3
SWB-03	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	WQBEL Station X1
SWD-03	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	WQBEL Station X4

- p. Turbidity of the discharge stream shall not be more than 29 NTUs above natural background samples and shall be monitored weekly by grab samples. As such, the Contractor shall propose a natural background monitoring station to the Department for approval; upon approval the Contractor shall sample both the background and effluent for turbidity on a weekly basis.

The limit for Turbidity shall be calculated as follows:

$$\text{Limit} = \text{Background Turbidity} + 29 \text{ NTU}$$

The measured effluent value shall be recorded on the DMR in the parameter row for Turbidity (effluent). The measured background value shall be recorded on the DMR in the parameter row for Turbidity (background). The calculated effluent limit shall be recorded on the DMR in the parameter row for Turbidity (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated effluent limit. The compliance value shall be recorded on the DMR in the parameter row for Turbidity (effluent minus calculated limit). If the compliance value is greater than 0.00, the Contractor will be considered in violation of the limitation.

- q. The Contractor shall immediately discontinue the discharge upon notification by the Department that the discharge water causes adverse environmental impacts in the receiving surface waters.
- r. The Contractor shall measure, record, and report the total volume, in gallons, of RO permeate or other diluent approved by the Department, measured individually, that is pumped into the mixing tank (i.e. the "filtrate" tank) on a daily basis. The flow, in gallons, of the combined well water plus RO permeate discharged via Outfall D-003 shall also be measured, recorded and reported on a daily basis. The discharge of RO permeate shall be commingled with deep-well groundwater, double lime treated water, or other waters approved by the Department to ensure compatibility of the discharge with the receiving water. The portion of deep-well groundwater shall no more than 5%, by volume, and not to exceed a total of 25,000 gallons per day of well water. The Contractor is authorized to withdraw up to 25,000 gallons per day of ground water per day from the deep, water supply wells located at Piney Point to accomplish the required levels of commingling. The use and reading of totalizing flow meters to measure and record these volumes is approved as an acceptable monitoring protocol.

6. Other Limitations and Monitoring and Reporting Requirements - Interim

- a. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this Administrative Agreement 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 Administrative Agreement. Any method included in the list may be used for reporting as long as it meets the following requirements:

- (1) 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;
- (2) The laboratory reported PQL for the specific parameter is less than or equal to the Administrative Agreement 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 Administrative Agreement 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
- (3) If the PQLs for all methods available in the approved list are above the stated Administrative Agreement 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 Contractor 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 Administrative Agreement limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the Contractor 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.

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

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

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

The Contractor shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

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

- c. Unless specified otherwise in this Administrative Agreement, all other reports and notifications required by this Administrative Agreement, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Department at the address specified below:

**Florida Department of Environmental Protection
Bureau of Mine Reclamation
Phosphate Management
8407 Laurel Fair Circle
Tampa, FL 33610-7355**

Phone Number - (813) 744-6100, Extension 138

FAX Number - (813) 744-6457 (All FAX copies shall be followed by original copies.)

- d. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
- e. The Contractor shall provide safe access points for obtaining representative samples required by this Administrative Agreement.
- f. The Contractor shall ensure that all laboratory analytical data submitted to the Department as required by this Administrative Agreement is from a laboratory, which is certified as required by Chapter 62-160, Florida Administrative Code.
- g. If there is no discharge from the facility on a day scheduled for sampling, the Contractor shall collect the sample on the day of the next discharge.
- h. Unless specified elsewhere in the Administrative Agreement, samples taken in compliance with the monitoring requirements specified in Conditions 5.a. and 5.b. shall be taken at the nearest accessible point after final treatment but prior to actual mixing with the receiving water body.
- i. Any bypass of the treatment facility, which is not included in the interim monitoring specified in Conditions 5.a., and 5.b. above, is to be monitored by the Contractor for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reasonable data. All monitoring results shall be reported on the appropriate DMR.

7. Groundwater Monitoring Requirements – Interim

a. Construction Requirements

- (1) Prior to construction of new ground water monitor wells, a soil boring shall be made at each new monitor well location in order to properly determine the well depth and screen interval.
- (2) The Contractor shall give at least 72-hours notice to the Department, prior to the installation of any monitor wells detailed in this Administrative Agreement.
- (3) Within 30 days after installation of a new monitor well, the Contractor shall submit to the Department's Bureau of Mine Reclamation District Office detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report.
- (4) One staff gauge shall be installed within the Seepage Ditch, located north of monitoring well MW-5R; and another staff gauge shall be installed within Buckeye Road Ditch, located north of monitoring well MW-5R. These two staff gauges shall be surveyed and maintained to accurately indicate water elevations in the ditches. The two staff gauges are to be installed within six months of the effective date of the permit.

b. Operational Requirements

- (1) During the period of operation authorized by this Administrative Agreement, the Contractor shall continue to sample ground water at the existing monitor wells identified in Condition 7.b.(2) below, in accordance with this Administrative Agreement and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitor wells, whichever occurs sooner, the Contractor shall begin sampling ground water at the new monitor wells identified in Conditions 7.a.(4), 7.a.(5), and 7.b.(2), in accordance with this Administrative Agreement.

- (2) The following monitor wells in the table below shall be sampled for the Groundwater Monitoring Plan (See **Figure 2**):

Monitor Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWB-1	Background	12.0	Surficial	Existing
MWC-2A	Replacement compliance well for MW-2	TBD	Surficial	Existing
MWI-3	Observation	20.0	Surficial	Existing
MWI-4A	Observation	20.0	Surficial	Existing
MWC-5R	Replacement compliance well for MW-5	TBD	Surficial	Existing
MWC-6A	Compliance	66.0	Intermediate	Existing
MWB-7	Background	90.0	Intermediate	Existing
MWC-8	Compliance	18.0	Surficial	Existing
MWC-9	Compliance	17.0	Surficial	Existing
MWB-10A	Background	15.0	Surficial	Existing
MWC-13	Compliance	16.0	Surficial	Existing
MWC-17	Compliance	TBD	Surficial	Existing
MWC-18	Compliance	TBD	Surficial	Existing
MWC-19	Compliance	TBD	Surficial	Existing
MWC-20	Compliance – renamed existing FSU-9	TBD	Surficial	Existing
MWC-21	Compliance – Supply Well No. 1	TBD	Floridan	Existing
MWP-1	Piezometer [see section 7.b.(5) below]	TBD	Surficial	Existing

MWB = Background; MWI = Intermediate/Observation; MWC = Compliance; MWP = Piezometer; TBD = To Be Determined

- (3) Routine Sampling - The monitor wells included in the ground water monitoring plan (Condition 7.b.(2)), excluding the piezometer MWP-1, shall be sampled and analyzed by the Contractor for the parameters and at the frequencies listed in the table below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to MSL	Report	FEET	In-situ	Quarterly
Temperature (C), Water	Report	DEG.C	In-situ	Quarterly
Specific Conductance	Report	UMHO/CM	In-situ	Quarterly
pH	6.5 to 8.5	SU	In-situ	Quarterly
Turbidity	Report	NTU	Grab	Quarterly
Sodium, Total Dissolved	160	MG/L	Grab	Quarterly
Fluoride	4	MG/L	Grab	Quarterly
Sulfate	250	MG/L	Grab	Quarterly
Orthophosphate as PO4	Report	MG/L	Grab	Quarterly
Alpha, Gross Particle Activity	15 (See 7.b.(6))	PCI/L	Grab	Quarterly
Radium 226 + Radium 228, Total	5 (See 7.b.(6))	PCI/L	Grab	Quarterly
Arsenic, Total Recoverable	50	UG/L	Grab	Quarterly
Cadmium, Total Recoverable	5	UG/L	Grab	Quarterly
Chromium, Hexavalent Total Recoverable	100	UG/L	Grab	Quarterly
Lead, Total Recoverable	15	UG/L	Grab	Quarterly

- (4) Water levels shall be recorded prior to evacuating the well for sample collection. Measurements, referenced to mean sea level, shall include the top of the well casing, depth to ground water, and the calculated ground water elevation at a precision of plus or minus 0.1 feet. Additionally, water elevations at a precision of plus or minus 0.1 feet shall be collected from the staff gauge in the Seepage

- Ditch and also the staff gauge in Buckeye Ditch concurrently with the water levels from the monitor wells.
- (5) The piezometer (MWP-1), installed between the seepage ditch and the northern Buckeye Road Ditch and to the immediate north of monitoring well MW-5R, is to be sampled for Water Level (MSL) quarterly from the effective date of the permit. The results shall be submitted per section 6.b. above.
 - (6) The concentration of Combined Radium ($\text{Ra}^{226+228}$), as well as Gross Alpha Particle Activity in the discharge shall be limited in accordance with Rules 62-302(58)(a), and 62-302(58)(b), F.A.C., respectively. During any sampling event performed in accordance with the monitoring requirements of Condition 7.b.(3) above, a properly preserved sample must be taken for the determination of Gross Alpha Particle Activity and Combined Radium. The sample must be first analyzed for the Gross Alpha Particle Activity. If the value of Gross Alpha Particle Activity exceeds the MCL of 15 pCi/l, the same sample shall be analyzed for Combined Radium.
 - (7) If a monitor well becomes damaged or cannot be sampled for some reason, the Contractor shall notify the Department with a written report within seven days detailing the circumstances and remedial measures taken or proposed. Replacement of the monitor wells shall be approved in advance by the Department. [Section 62-620.610(7), F.A.C.]
 - (8) Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
 - (9) All sampling procedures and field activities required by this Administrative Agreement must follow the Department of Environmental Protection Standard Operating Procedures for Field Activities (DEP-SOP-001/01), which is available at <http://www.floridadep.org/labs/qa/2002sops.htm>.
 - (10) If the concentration for any constituent listed in Permit Condition 7.b.(3) in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
 - (11) Ground water monitor wells shall be purged prior to sampling to obtain a representative sample.
 - (12) All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
 - (13) The Contractor shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The Contractor shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
 - (14) Ground water monitoring test results shall be reported on Part D of DEP Form 62-620.910(10) and shall be submitted for each calendar quarter as specified in Condition 6.b. above.
 - (15) The ground water zone of discharge shall extend horizontally along the ground surface to the property line, as depicted in **Figure 2**, and to the base of the surficial aquifer. If necessary, the Contractor may propose a vertical zone of discharge within the confining units of the intermediate aquifer system, if accompanied by substantiation to be approved by the Department, and also if Departmental approved wells to monitor this or these zone(s) of discharge are also installed and appropriately monitored.
 - (16) The Contractor's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
 - (17) The Contractor's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.

8. Operation and Maintenance Requirements - Interim

a. Operation of Treatment and Disposal Facilities

- (1) The Contractor shall ensure that the operation and maintenance of the phosphogypsum stack system during closure and long-term care of this facility is as described in the application, supporting documents and in accordance with Rule 62-673, F.A.C.

- (2) The Contractor shall ensure that the operation of the pollution control facilities described in this Administrative Agreement and the Wastewater 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.
- (3) The Contractor shall ensure that all above-ground impoundments are operated, maintained and inspected in accordance with Rule 62-672, F.A.C.

b. Record keeping Requirements

The Contractor shall maintain the following records on the site of the Piney Point facility or other Department approved location and make them available for inspection:

- (1) 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.
- (2) Copies of all reports, other than those required in item (1) of this section, required by this Administrative Agreement of the Wastewater Permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule.
- (3) A copy of the Wastewater Permit and this Administrative Agreement.
- (4) A copy of any required record drawings.
- (5) Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

9. Compliance Schedules and Self-imposed Improvement Schedules - Interim

- a. The Contractor shall complete the closure of the phosphogypsum stack system, including the treatment and removal of all process water, in accordance with the requirements of F.A.C. Rule 62-673 and provisions of the Contract.
- b. Within thirty days of completion of construction for the closure of the unlined phosphogypsum stack system, the Contractor shall submit to the Department a completed "Certification of Completion of Construction" (DEP Form 62-620.910(12)) signed and sealed by the engineer of record or other engineer registered in the state of Florida.
- c. Record drawings shall be prepared by the Contractor and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of closing the phosphogypsum stack system.
- d. The Contractor shall have aerial photographs of the complete phosphogypsum stack system taken semi-annually, including process water and stormwater impoundments, and within 60-days following closure of the phosphogypsum stack system. Upon submittal of the first **closed** phosphogypsum stack system aerial, the frequency for submitting aerial photographs shall be annually thereafter. The aerial photographs shall be submitted to the Department as required in the schedule found in section 6.b. above and to the address listed in section 6.c.
- e. The Contractor shall submit to the Department an annual closure performance report for the phosphogypsum stack system. The report is to contain a detailed summary of all closure activities for the year, graphical summary with trend analysis of the previous four Quarters of ground water data for all of the monitor wells, and graphical summary with trend analysis of the discharge data for Outfalls 002 and 003. The Contractor shall submit the report to the Department, per Condition 6.c. above, no later than April 30th of the year following the reporting period.
- f. The Contractor shall notify the Department, in writing per Condition 6.c. above, no later than 30-days following completion of construction activities for closure of the phosphogypsum stack.
- g. The Contractor shall annually report to the Department, following completion of phosphogypsum stack closure activities and per Condition 6.b. above, the piezometric water levels within the phosphogypsum stack.
- h. The long-term care period as described in Rule 62-673.630 will begin upon the Department's approval of the official date of closure for the phosphogypsum stack system.

- i. The Contractor shall submit a proposal for an appropriate Background Monitoring Station SWB-02 (WQBEL Station C), including an 8½" X 11" map showing the location, for discharges from Outfall 002, within 30 days of the effective date of this permit. Upon review and approval by the Department, it shall be activated and monitored in accordance with the requirements of Condition 5.q. of this permit.
- j. Upon receipt of Department approval for the location of Background Monitoring Station SWB-02 (Condition 9.i. above), the Contractor shall submit latitude and longitude coordinates for all of the Instream Monitoring Stations listed in Condition 5.o. to the address specified in Condition 6.c.
- k. The Contractor shall allow an inspection of all above grade impoundment dams to be conducted annually, during the months of January, February or March, by a third party professional engineer retained by the Receiver who is registered in the State of Florida and experienced in the field of construction and maintenance of dams. A copy of the inspection report, signed and sealed by the inspecting engineer, shall be furnished to the Department on or before April 30th of each year.
- l. The Contractor shall ensure that all activities required to close the unlined cooling pond are in strict accordance with the applicable requirements as specified in Rule 62-673.610 F.A.C.
- m. The Contractor shall perform all construction activities required for closure in accordance with a quality assurance plan meeting the requirements of Rule 62-673.610(6)(i). The Quality Assurance Plan shall be implemented by and be the responsibility of a third party engineer registered in the State of Florida. A copy of the plan shall be kept onsite and made available to Department personnel upon request

10. Administrative Provisions

- a. If any event, excluding administrative or judicial challenges by third parties unrelated to the Contractor, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Administrative Agreement, the Contractor shall have the burden of demonstrating that the delay was or will be caused by circumstances beyond the reasonable control of the Contractor and could not have been or cannot be overcome by the Contractor's due diligence. Economic circumstances shall not be considered circumstances beyond the reasonable control of the Contractor, nor shall the failure of a contractor, subcontractor or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Contractor, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, the Contractor shall notify the Department orally at: **813/744-6100, extension 138** within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing at the address listed in Section 5.b., of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which the Contractor intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Contractor, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay.
- b. Persons who are not parties to this Administrative Agreement, but whose substantial interests are affected by this Administrative Agreement, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within **21** days of receiving notice of the Administrative Agreement. A copy of the Petition must also be mailed at the time of filing to the Department's Phosphate Management Office at 8407 Laurel Fair Circle, Tampa, Florida 33610-7355. Failure to file a petition within the **21** days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (1) The name, address, and telephone number of each petitioner; the Department's Administrative Agreement identification number and the county in which the subject matter or activity is located;
- (2) A statement of how and when each petitioner received notice of the Administrative Agreement;

- (3) A statement of how each petitioner's substantial interests are affected by the Administrative Agreement;
 - (4) A statement of the material facts disputed by petitioner, if any;
 - (5) A statement of facts which petitioner contends warrant reversal or modification of the Administrative Agreement;
 - (6) A statement of which rules or statutes petitioner contends require reversal or modification of the Administrative Agreement;
 - (7) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Administrative Agreement.
- c. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in the Administrative Agreement. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Administrative Agreement have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within **21** days of receiving notice of the Administrative Agreement in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Mediation is not available for this proceeding.
 - d. The Contractor may, at its discretion, publish a Notice of Administrative Agreement in a newspaper of general circulation in the county in which the facility is located. The publication shall contain a description of the property affected, and a notice of rights, which shall contain the language in Sections 10.b. and 10.c., above. Failure to publish may result in an extension of the time in which affected parties are allowed to file a petition for an administrative proceeding.
 - e. The Contractor shall allow all authorized representatives of the Department and the Receiver's third party engineer access to the property at reasonable times for the purpose of determining compliance with the terms of this Administrative Agreement and the rules and statutes of the Department.
 - f. All submittals required by this Administrative Agreement to be submitted to the Department shall be sent to the Florida Department of Environmental Protection as specified in Section 6. above.
 - g. This Administrative Agreement is an agreement with the Contractor to recognize the Department's authority arising under Florida law to regulate the matters addressed herein. This Administrative Agreement is not a settlement of any criminal liabilities which may arise under Florida or federal law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under Florida or federal law.
 - h. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder for either past or future violations of the terms of this Administrative Agreement. Any subsequent enforcement action taken by the Department may result in an enforcement order requiring an acceleration of the deadlines for the requirements addressed in this Administrative Agreement through a subsequent Order of the Department and an imposition of administrative fines and civil penalties.
 - i. The terms and conditions set forth in this Administrative Agreement may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Administrative Agreement shall constitute a violation of Section 403.161(1)(b), Florida Statutes.
 - j. Entry into this Administrative Agreement does not relieve the Contractor of the need to comply with applicable federal, state or local laws, regulations or ordinances.
 - k. If data from the Bishop Harbor monitoring efforts indicates that changes in the discharge and operation limitations stipulated under the terms of this Agreement are needed to prevent adverse impacts, then this agreement may be modified as appropriate.

- l. This Agreement may be amended by mutual consent of the parties. No modifications of the terms of this Administrative Agreement shall be effective until reduced to writing and executed by both the Contractor and the Department.
- m. The Contractor acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Administrative Agreement. The Contractor acknowledges its right to appeal the terms of this Administrative Agreement pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Administrative Agreement.
- n. This Administrative Agreement is a Final Order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition, this Administrative Agreement will not be effective until further order of the Department.

Agreed to this ____ day of _____, 200____, in Tallahassee, Florida.

FOR {CONTRACTOR}:

{Responsible Authority}
{Title}
{Contractor}
{Address}
{City, State Zip}

FOR THE STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi A. Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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

Clerk

Date

Copies furnished to:
FDEP - Office of General Counsel
U.S. Environmental Protection Agency - Region 4

INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

PINEY POINT PHOSPHATES, INC.
13300 Highway 41 North
Palmetto, FL 34221

PERMIT NUMBER: FL0000124**DEP FILE NO.:** IO41-177441**EFFECTIVE DATE:****EXPIRATION DATE:** March 25, 2001**PERMIT WRITER:** Vishwas Sathe

Attn: Mr. Ivan Nance
Corporate Environmental Manager

FACILITY:

PINEY POINT PHOSPHATES, INC.
13300 Highway 41 North
Palmetto, Polk County, Florida

Latitude: 27° 37' 24" N Longitude: 82° 31' 54" W

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:

WASTEWATER TREATMENT:

The facility manufactures sulfuric acid, phosphoric acid, and phosphate based fertilizers. Phosphogypsum is generated as a waste by-product in the manufacture of phosphoric acid. It is slurried with hot acidic process water and pumped to a disposal area on site, where it is deposited creating a phosphogypsum stack. The process water is ponded for cooling on top of the phosphogypsum stack as well as in cooling ponds and ditches adjacent to it. This process water is finally returned to the facility for reuse, to the extent possible. Any excess process wastewater which cannot be recycled is authorized for double-lime treatment, followed by ammonia removal prior to discharge. Non-process wastewater consisting of non-contact cooling water and contaminated stormwater runoff is treated by settling and occasional pH adjustment.

EFFLUENT DISPOSAL:

Surface Water Discharge: The permittee is authorized to discharge treated process wastewater via Outfall 003 into Buckeye Road ditch. Buckeye Road ditch in turn discharges into Bishops Harbor. Treated non-process wastewater is discharged via Outfall 002 into Piney Point Creek which empties into Tampa Bay. Outfall 001 shall be no longer used for discharge of contaminated stormwater. Contaminated stormwater previously authorized for discharge through Outfall 001 shall be routed via the cooling ponds to undergo the required treatment and discharged through Outfall 003. Both Buckeye Road ditch and Piney Point Creek are Class III surface water bodies of the State. Outfall locations are depicted on Figure 1.

OUTFALL	LATITUDE	LONGITUDE	CLASS
002	27 ° 53 ' 30 " N	81° 57' 30" W	III
003	27 ° 53 ' 00 " N	81° 56' 45" W	III

Ground Water Discharge: The facility has the potential for impacts to ground water resulting from operation of the unlined phosphogypsum stack and process water cooling ponds. Monitor wells have been installed in accordance with an approved Ground Water Monitoring Plan (GWMP) for the purpose of determining compliance with applicable water quality standards and criteria. The permittee will be required to perform a ground water investigation in accordance with the requirements of the

Amendment to Consent Order No. 94-3751. Upon completion of this investigation the existing GWMP may be modified, if necessary. Monitor well locations are depicted on Figure 2.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Part I, Part II, Part III, Part IV, Part V, Part VI, Part VII, and Part VIII, of this permit.

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. Outfall 002 - During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge treated non-process wastewater and stormwater from Outfall 002. Such discharge shall be limited and monitored, when discharging, by the permittee as specified below: [62-302.520, 62-302.530, F.A.C.]

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow (MGD)	N/A	Report	Report	Continuous	Recorder
Temperature (°C)	N/A	Report	Report	1/ week	Grab
Total Phosphorus as P, (mg/l)	N/A	See I.A.15	See I.A.15	1/ week	24-hr composite
Total Phosphorus as P, (lb/day) (See I.A.15)	N/A	Report	Report	1/ week	Calculation
Total Fluoride as F, (mg/l)	N/A	Report	10.0	1/ week	24-hr composite
Dissolved Oxygen (mg/l)	5.0	Report	N/A	1/ week	Grab
Total Nitrogen (mg/l) (See I.A.15)	N/A	Report	Report	1/ week	Grab
Total Nitrogen (lb/day) (See I.A.15)	N/A	Report	Report	1/ week	Calculation
Total Ammonia as N, (mg/l)	N/A	Report	Report	1/ week	Grab
Un-ionized Ammonia (as NH ₃) (mg/l)	N/A	Report	0.02	1/ week	Calculation
Specific Conductance (µmhos/cm)	N/A	Report	1275.0 (See I.A.4)	1/ week	Grab
Total Suspended Solids (mg/l)	N/A	Report	Report	1/ week	24-hr composite
pH (standard units) (See I.A.8)	6.0	Report	8.5	Continuous	Recorder
Toxicity	See I.A.(12 and 13)				

2. Outfall 003 - During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge treated process wastewater from Outfall 003. Such discharge shall be limited and monitored, when discharging, by the permittee as specified below: [62-302.530, F.A.C.]

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow (MGD)	N/A	Report	See I.A.15	Continuous	Recorder
Temperature (°C)	N/A	Report	Report	1/ week	Grab
Total Phosphorus as P, (mg/l)	N/A	See I.A.15	Report	1/ week	24-hr composite
Total Phosphorus as P, (lb/day)	N/A	See I.A.15	Report	1/ week	Calculation
Total Fluoride as F, (mg/l)	N/A	Report	10.0	1/ week	24-hr composite
Dissolved Oxygen (mg/l)	5.0	Report	N/A	1/ week	Grab
Total Nitrogen (mg/l)	N/A	See I.A.15	Report	1/ week	Grab

Total Nitrogen (lb/day)	N/A	See I.A.15	Report	1/ week	Calculation
Total Ammonia as N, (mg/l)	N/A	5.0	See I.A.11	1/ week	Grab

I.A.2. (continued)

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Un-ionized Ammonia as NH ₃ , (mg/l)	N/A	Report	0.02	1/ week	Calculation
NO ₃ + NO ₂ as N, mg/l	N/A	1.0	Report	1/ week	Grab
Organic Nitrogen as N, mg/l	N/A	4.0	Report	1/ week	Grab
Specific Conductance (µmhos/cm)	N/A	Report	6000.0 (See I.A.4)	1/ week	Grab
Combined Radium 226 and 228 (pCi/l) (See I.A.7)	N/A	N/A	5.0	1/ month	24-hr composite
Gross Alpha Activity (pCi/l)	N/A	N/A	15.0	1/ month	24-hr composite
Total Suspended Solids (mg/l)	N/A	Report	See I.A.11	1/ week	24-hr composite
pH (standard units) (See I.A.8)	6.0	6.1 - 6.7	8.5	Continuous	Recorder
Toxicity	See I.A.(12 & 13)				

3. The permittee shall ensure that the process water recirculation system will be operated to maintain a surge capacity equal to the runoff from a 25-year, 24-hour rainfall event. The permittee may discharge treated process water when chronic or catastrophic precipitation causes the recirculation system's water inventory to encroach into this surge capacity. The permittee must treat and discharge the excess process water, after treatment, whenever the process water inventory equals or exceeds the mid-point of the surge capacity. The permittee is not authorized to discharge treated process water from Outfall 003, or any other permitted discharge location, if the required surge capacity is available within the approved process water impoundment areas. The maximum allowable discharge rate for treated process wastewater via Outfall 003 is based upon the recommendations of a Level II WQBEL study performed for this discharge, and is specified under I.A.15.
4. Specific Conductance of the discharge shall be limited in accordance with Rule 62-302.530(23), F.A.C., for Class III fresh waters of the State.
 - a) Based upon information submitted by the permittee pursuant to a WQBEL study, a mixing zone has been granted for specific conductance pursuant to the provisions of Rule 62-4.244, F.A.C., for discharges from Outfall 003 which shall extend from the point of discharge 800 meters downstream in Buckeye Road Ditch. The effluent limitation for specific conductance at the outfall shall be 6000 umhos/cm based upon the following conditions:
 1. Upstream flow measured at the background station (X1 in WQBEL document) is 6.6 cfs or greater.
 2. Maximum upstream specific conductance at Station X1 is 1400 umhos/cm.
 - b) The facility has been granted a variance under Section 403.201(1)(a), F.S., for the limitation of specific conductance of the discharge from Outfall 003, as described in the final order of agency action, OGC Case # 98-0204, which is attached as Exhibit I. The variance limits the maximum specific conductance of the effluent at the outfall to 6000 umhos/cm, and is applicable only when flow measured at the background station (X1 in WQBEL document) is less than 6.6 cfs.
5. There shall be no discharge of floating solids or visible foam in other than trace amounts. [62-302.500, F.A.C.]
6. The discharge shall not cause a visible sheen on the receiving water. [62-302.500, F.A.C.]
7. The concentration of combined radium 226 & 228, as well as gross alpha particle activity in the discharge shall be limited in accordance with Rules 62-302(58)(a), and 62-302(58)(b), F.A.C., respectively. During any sampling event performed in accordance with the monitoring requirements of I.A.2 above, a properly preserved sample must be taken for the determination of gross alpha activity as well as combined radium (Ra 226 & 228). The sample must be first analysed for gross alpha activity. If the value of gross alpha activity equals or exceeds the MCL of 15 pCi/l, the same sample shall be analyzed for combined radium.

8. The pH of the discharge shall be limited in accordance with the provisions of 62-302.530(52)(c), F.A.C., for Class III fresh waters of the State. The monthly average range of pH for treated process wastewater via Outfall 003 is based upon the recommendations of a Level II WQBEL study performed for this discharge.
9. Effluent samples for pH and temperature shall be taken simultaneously with each total ammonia grab sample. Un-ionized ammonia shall be calculated in accordance with Table I (attached). 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 also be reported on the attachment. The daily maximum and monthly average values for un-ionized ammonia for each reporting period shall be reported on the DMR.
10. Unless specified elsewhere in the permit, approved sampling stations shall be at the designated outfall structures. Samples shall be taken at the nearest accessible point after final treatment but prior to the actual mixing with the receiving water to achieve compliance with the monitoring requirements specified in Conditions I.A.1. and I.A.2.
11. The discharge of nutrients shall be limited in accordance with Rule 62.302.530(48) a and b, F.A.C. The limitation for nutrients at Outfalls 002 and 003 are as specified in I.A.15. The permittee shall limit the daily maximum concentration of ammonia nitrogen in the discharge to be in compliance with the limitation of 0.02 mg/l for un-ionized ammonia, (as NH₃), in accordance with Rule 62-302.530(3), F.A.C., for Class III fresh waters of the State. The limitation for total suspended solids (TSS) is waived for discharges of treated process wastewater (calcium sulfate transport/runoff wastewater) based upon 40 CFR Section 418.12(c), Subpart A for the phosphate industry.
12. The permittee shall initiate the series of tests described below beginning in with the first discharge event from the date of this permit to evaluate whole effluent toxicity of the discharge from Outfalls 002, and 003. All test species, procedures and quality assurance criteria used shall be in accordance with Short-term methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, EPA/600/4-91/002, or the most current edition. The control and dilution water will be moderately hard water as described in EPA/600/4-91/002, Table 3. A standard reference toxicant quality assurance chronic toxicity test shall be conducted concurrently with each species used in the toxicity tests and the results submitted with the bioassay report or if monthly QA/QC reference toxicant tests are conducted, these results must be submitted. Any deviation from 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 a daphnid, Ceriodaphnia dubia, Survival and Reproduction test and a fathead minnow, Pimephales promelas, Larval Survival and Growth Test. These tests shall be conducted using a control (0% effluent) and one test concentration of **100%** effluent. A no observed effect concentration (NOEC) less than **100%** effluent will constitute a violation of this permit and Chapter 62-302.530(62), F.A.C. All test results shall be statistically analyzed according the Appendix in EPA/600/4-91-002, or the most current edition.
 - (2) For each set of tests conducted, a 24-hour composite sample of final effluent shall be collected and used per the sampling schedule discussed in EPA/600/4-91/002, Section 8. Two additional composite samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) If control mortality exceeds 20% 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 20% for either species. If, in any separate test, 100% mortality occurs prior to the end of the test, and control mortality is less than 20% at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable toxicity. Additionally, the test must meet the acceptability criteria for each species as defined in EPA/600/4-91/002 Section 13.11 and Section 11.11, respectively.
 - b. (1) The toxicity tests specified above shall be conducted within 60 days following the issuance of this permit or the first discharge event if no discharge occurs within the 60 day time frame. The tests shall be performed once for the life of this permit, unless they indicate unacceptable toxicity. If unacceptable toxicity has been found in the routine tests, the permit may be revised to increase the frequency of testing.

(2) Results from “routine” tests shall be reported according to EPA/600/4-91/002, Section 10, Report Preparation (or the most current edition), and shall be submitted in accordance with I.E.2 below.

Additionally, all results shall be recorded and submitted on the Discharge Monitoring Report (DMR) in the following manner:

For the chronic test results, if the NOEC of a test species is less than 100% effluent, “<100%” should be entered on the DMR for that species. If the NOEC of a test species is greater than or equal to 100% effluent, “≥100%” should be entered.

c. (1) An NOEC of less than 100% effluent in any “routine” test or in any additional test as described below, will be a violation of these permit conditions and Rule 62-302.530(62) and Rule 62-4.244(3)(a), F. A. C.

(2) If unacceptable toxicity (an NOEC of less than 100% effluent) is found in a “routine” test, the permittee shall conduct three additional tests on the specie(s) indicating unacceptable toxicity.

(3) 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 (not to exceed 100% effluent) and two dilutions below the target toxicity and a control (0% effluent) are run.

(4) For each additional test, the sample collection requirements and the test acceptability criteria as specified 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.

(5) If after the completion of a failed routine test, the facility is not discharging, the additional toxicity sampling and testing described in C.3. above, shall be performed upon resumption of the discharge.

(6) Results from additional tests, required due to a chronic toxicity violation in the “routine” tests, shall be submitted in a single report prepared according to EPA/600/4-91/002, Section 10, or the most current edition and submitted within 45 days of completion of the third additional, valid test. Upon the completion of the additional tests, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the observed chronic toxicity.

13. The permittee shall initiate the series of tests described below to evaluate whole effluent toxicity of the discharge from Outfalls 002 and 003. 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 dilution water used will be moderately hard water as described in EPA/600/4-90/027F, Table 6, or the most current edition. A standard reference toxicant (SRT) 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 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 the daphnid, *Ceriodaphnia dubia*, and the bannerfin shiner, *Cyprinella leedsii*. 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.

(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. (1) The routine tests shall be performed on a bi-annual basis, once during the wet season (July through September) and once during the dry season (December through February). These tests are referred to as routine tests.

(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 in accordance with I.E.3. below.

c. (1) All routine test shall be conducted using a control (0% effluent) and a test concentration of 100% final effluent.

(2) Mortalities of greater than 50% in a 100% effluent in any routine sample 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)(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 1.a. 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 first additional definitive test. Results for each additional test will include the determination of LC50 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. 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 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 3 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 tests. Upon completion of the third additional test, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the unacceptable acute toxicity.

14. The permittee shall limit the concentration of total fluoride in its discharge in accordance with Rule 62-302.530(33), F.A.C.

15. a) The nutrient waste load allocation for Outfall 003 has been calculated based upon the Level II WQBEL limitations of flow, and the maximum 30 day average nitrogen and phosphorus concentration for the discharge. The limitations are as follows:

1) Total nitrogen limitations for background flows greater than 0.5 cfs, but less than or equal to 1.1 cfs:

Maximum effluent flow, MGD	-	0.5
Maximum 30 day average total nitrogen, mg/l	-	8.0
Total nitrogen loading based upon		
30 day average discharge quality data, lb/day	-	33.3

2) Total nitrogen limitations for background flows greater than 1.1 cfs:

Maximum effluent flow, MGD	-	1.0
Maximum 30 day average total nitrogen, mg/l	-	10.0
Total nitrogen loading based upon		
30 day average discharge quality data, lb/day	-	83.3

3) Total phosphorus limitations for background flows greater than 0.5 cfs, but less than or equal to 1.1 cfs:

Maximum effluent flow, MGD	-	0.5
Maximum 30 day average total phosphorus, mg/l	-	10.0
Total phosphorus loading based upon 30 day average discharge quality data, lb/day	-	33.3

4) Total phosphorus limitations for background flows greater than 1.1 cfs:

Maximum effluent flow, MGD	-	1.0
Maximum 30 day average total phosphorus, mg/l	-	10.0
Total phosphorus loading based upon 30 day average discharge quality data, lb/day	-	83.3

b) Notwithstanding the daily mass loading limitations for total nitrogen as specified under item a above, the facility shall the limit the total nitrogen load from Outfall 003, to 10,014 lbs during any calendar year during which a discharge is necessary. Discharge from Outfall 003 can only occur provided the requirements of I.A.3. are met. The annual load has been calculated based upon the estimated discharge volume of 120 MG/year, and the maximum 30 day average nitrogen concentration of 10 mg/l. Based upon historical data, the frequency of treated process water discharge is not expected to occur more than once in 5 years. The nitrogen loading for a 5 year period is therefore also limited to 10,014 lbs. The permittee shall notify the Department's Phosphate Management program whenever nitrogen loads from Outfall 003 have reached a level equal to 75% of the annual or 5 year limit, and propose measures to be taken to ensure compliance with the established nitrogen limits.

c) A WQBEL plan of study has been approved for Outfall 002. Compliance requirements for completion of this study are specified under Part VI.2.b. An interim mass load for total nitrogen of 2729 lbs/year has been calculated based upon historical water quality and estimated flow of 109 MG/year. The nitrogen loading for a 5 year period shall be limited to 13,645 lbs. The permittee shall notify the Department's Phosphate Management program whenever nitrogen loads from Outfall 002 have reached a level equal to 75% of the annual or 5 year limit, and propose measures to be taken to ensure compliance with the established nitrogen limits.

16. When Outfall 003 is discharging, the permittee shall collect water samples from Stations A and B (WQBEL stations X1 and X4, respectively) as shown in Figure 3, located upstream and down stream respectively from Outfall 003, and monitor as described below:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow, cfs (at X1 only)	N/A	Report	Report	1/ week	Calculation
Total Nitrogen, mg/l	N/A	Report	Report	1/ week	Grab
Total Phosphorus, mg/l	N/A	Report	Report	1/ week	Grab
pH, SU	Report	Report	Report	1/ week	Grab
Specific Conductivity, umhos/cm	N/A	Report	Report	1/ week	Grab

17. When Outfall 002 is discharging, the permittee shall collect water samples from Stations C and D (see figure 4), located upstream and down stream respectively from Outfall 002. Since the location of C is yet to be determined (see item VI.2.a.), monitoring at this location shall begin within 30 days upon receipt of written departmental approval. The stations shall be monitored as described below:

Parameters (units)	Discharge Limitations	Monitoring Requirements
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	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Total Nitrogen, mg/l	N/A	Report	Report	1/ week	Grab
Total Phosphorus, mg/l	N/A	Report	Report	1/ week	Grab
pH, SU	Report	Report	Report	1/ week	Grab
Specific Conductivity, umhos/cm	N/A	Report	Report	1/ week	Grab

B. Underground Injection Control Systems: N/A

C. Land Application Systems: NA.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.[62-620.300, F.A.C.]

E. Other Limitations and Monitoring and Reporting Requirements

1. Monitoring results obtained for each calendar sampling period (monthly, quarterly, annually, or as required otherwise) shall be summarized for that period 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 sampling period. 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
Wastewater Program Management Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If, during the term period of this permit, the facility ceases operations which includes the discharge, the Department's Phosphate Management Administrator shall be notified immediately upon such cessation and include an estimate of how long the shut-down will last. Such notification shall be in writing.

All DMR forms for surface water reporting, including toxicity DMR forms, must be submitted every month. If an analysis is not required by condition of this permit for that reporting period, "NODI=9" is to be entered in the space provided for that result. If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. In that case, the DMR form must be submitted with "NODI=9" indicated in the blank for each parameter that is to be reported for the period. All analytical result reporting spaces/blanks on the DMR forms must be completed.

2. 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 Phosphate Management office at the address specified below:

Florida Department of Environmental Protection
Bureau of Mine Reclamation
Phosphate Management
8407 Laurel Fair Circle,
Tampa, FL 33610-7355

3. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.

4. 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.
5. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
6. Any bypass of the treatment facility which is not included in the monitoring specified I.A.2, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate., to obtain reasonable data. All monitoring results shall be reported on the appropriate DMR.

II. Industrial Sludge Management Requirements: N/A

III. Groundwater Monitoring Requirements

1. During the period of operation authorized by this permit, the permittee shall sample ground water in accordance with this permit and the approved ground water monitoring plan prepared under Rule 62-522.600, F.A.C.
2. The following monitoring wells are included in the ground water monitoring plan (Figure 2). [62-522.600(6), F.A.C.]

Well Name	DEP WAFR ID	Depth (Feet)	Aquifer Monitored	Well Type	New or Existing
MW-1	13251	12.0	Surficial	Background	Existing
MW-2*	13250	22.0	Surficial	Compliance	Existing
MW-3	13249	20.0	Surficial	Intermediate	Existing
MW-4A	13248	20.0	Surficial	Compliance	Existing
MW-5*	13247	13.0	Surficial	Compliance	Existing
MW-6A	13246	66.0	Intermediate	Compliance	Existing
MW-7	13245	90.0	Intermediate	Background	Existing
MW-8**	30705	18.0	Surficial	Compliance	New
MW-9**	30761	17.0	Surficial	Compliance	New
MW-10**	30762	15.0	Surficial	Background	New
MW-11***			Intermediate	Compliance	Proposed
MW-12***			Intermediate	Background	Proposed
MW-13****			Intermediate	Compliance	Proposed
MW-14****			Intermediate	Background	Proposed

* These wells shall be monitored in accordance with the requirements of Condition III.3. below, until appropriate locations are established to monitor for compliance along the south property boundary.

** These wells have been installed as part of a ground water investigation pursuant to Consent Order 94-3751. Well construction data has been submitted.

- ***
1. Vertical zone of discharge wells for all parameters besides sodium.
 2. The permit will be revised to reflect the actual well depth upon well installation.
 3. The wells shall be installed with a 10 foot screen interval such the shallowest ten foot screen interval below the vertical zone of discharge (25 feet msl) with sufficient hydraulic properties to collect representative ground water samples.
 4. Installation location of MW-I1 and MW-I2 to be downgradient and upgradient respectively of the stack system.

- ****
1. Vertical zone of discharge wells for sodium only.
 2. The permit will be revised to reflect the actual well depth upon well installation.

3. The wells shall be installed with a 10 foot screen interval such the shallowest ten foot screen interval below the vertical zone of discharge (90 feet msl) with sufficient hydraulic properties to collect representative ground water samples.
4. Installation location of MW-13 and MW-14 to be downgradient and upgradient respectively of the stack system.
3. The wells included in the ground water monitoring plan (Condition III.2., above) shall be sampled for the parameters, and at the frequencies listed below: [62-522.600(10)(a), F.A.C.]

Parameters (units)	Monitoring Requirements	
	Frequency	Sample Type
Water Level (MSL)	Quarterly	In-situ (See III. 4 below)
Water Temperature (° C)	Quarterly	Grab
pH (Standard Units)	Quarterly	Grab
Turbidity (NTU)	Quarterly	Grab
Specific Conductance (umhos/cm)	Quarterly	Grab
Total Dissolved Solids (mg/l)	Quarterly	Grab
Chloride (mg/l)	Quarterly	Grab
Total Recoverable Arsenic (ug/l)	Quarterly	Grab
Total Recoverable Cadmium (ug/l)	Quarterly	Grab
Total Recoverable Chromium (ug/l)	Quarterly	Grab
Total Recoverable Copper (ug/l)	Quarterly	Grab
Total Recoverable Lead (ug/l)	Quarterly	Grab
Total Recoverable Sodium (mg/l)	Quarterly	Grab
Total Fluoride mg/l)	Quarterly	Grab
Total Recoverable Manganese (ug/l)	Quarterly	Grab
Total Sulfate (mg/l)	Quarterly	Grab
Orthophosphate as PO4 (mg/l)	Quarterly	Grab
Gross Alpha Activity (pCi/l)	Quarterly	Grab
Combined Radium 226 + 228 (pCi/l) *	Quarterly	Grab

* Radium analyses must be performed when gross alpha activity equals or exceeds 15 pCi/l.

4. Water levels shall be recorded prior to evacuating the well for sample collection. Measurements, referenced to mean sea level, shall include the top of the well casing, depth to ground water, and the calculated ground water elevation at a precision of plus or minus 0.1 feet. [62-160.400, F.A.C.]
5. Ground water monitoring wells shall be evacuated or purged prior to sampling to obtain a representative sample. All sampling procedures shall be in accordance with the Department-approved Comprehensive Quality Assurance Plan (ComQAP). [62-160.400, F.A.C.]
6. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.[62-160.400, F.A.C.]
7. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department with a written report within seven days detailing the circumstances and remedial measures taken or proposed. Replacement of monitoring wells shall be approved in advance by the Department. [62-620.610(7), F.A.C.]
8. Ground water monitoring test results shall be submitted on the attached Department forms and shall be submitted in conjunction with the DMR in accordance with Condition I.E.2.

IV. Other Ground Water Discharge Requirements

1. The permittee's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with rules 62-520.400 and 62-520.420, F.A.C.
2. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in rule 62-520.400, F.A.C., within the zone of discharge.
3. The zone of ground water discharge in the surficial aquifer shall extend horizontally along the ground surface to the property line, as depicted in Figure 2. Based on the Department's review of information submitted by the permittee, the vertical zone of discharge (VZOD) for all parameters besides sodium extends to the base of the intermediate aquifer within the Undifferentiated Arcadia Formation no deeper than minus 25 feet MSL, and the VZOD for sodium extends to the base of the intermediate aquifer within the Undifferentiated Arcadia Formation no deeper than minus 90 feet MSL [62-520.200(23), 62-522.410, and 62-673.320(6), F.A.C.].

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall operate the phosphogypsum stack system in accordance with the requirements of Rules 62-620.300(5), and 62-673.500, F.A.C., as applicable. The operation plan described under Rule 62-673.500(1), F.A.C., shall be made available to Department staff when requested.
2. The permittee shall ensure that 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.
3. The permittee shall notify the Department's Phosphate Management Program no later than 24-hours following the initiation of process water treatment. Such notification shall be submitted in writing by facsimile as specified in Condition I.E.2.
4. The permittee shall assure that all above grade wastewater impoundment systems are operated, maintained and inspected in accordance with Rule 62-672, F.A.C., as applicable, or any applicable Memorandum of Agreement (MOA), and/or any additional specific permit conditions developed and adopted for the operation, maintenance and inspection of wastewater impoundment systems.
5. The permittee shall inspect all process water impoundment areas within the phosphogypsum stack system weekly unless a defect has been disclosed, in which event, the defective area shall be inspected daily until corrective maintenance has remediated the defect. [Section 62-4.070(1), 4-30-95]
6. The permittee shall develop and maintain an emergency contingency plan which demonstrates the ability to mobilize equipment and manpower to respond to a major spill event from the phosphogypsum system. The plan shall be kept on-site and is to be available to Department personnel when requested.
7. The permittee shall provide annual training to all dam inspection personnel by a Florida registered engineer experienced in dam design, construction, operation, and inspection. The permittee will maintain records documenting such annual training.
8. An inspection of all above grade impoundment dams shall be conducted annually, during the months of January, February or March, by a professional engineer registered in the State of Florida and experienced in the field of construction and maintenance of dams. A copy of the inspection report, signed and sealed by the inspecting engineer, shall be furnished to the Department on or before April 30th of each year.
9. The permittee shall assure that all annual inspections required by Condition V.A.8. above, are performed by an independent, third-party Florida registered professional engineer who is not an employee of the permittee. The annual inspection report shall include recommendations and corrective measures to be taken. If corrective measures are not completed by the time of annual submittal, then follow-up inspections shall be conducted by the Florida registered professional engineer with quarterly project reports submitted until completion of all corrective measures.

10. The permittee shall ensure that a vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed, above grade earthen dam surfaces. Such vegetation shall be maintained by the permittee, sufficiently low to permit visual inspection of the soil surfaces.
11. The permittee is authorized to deposit in or on the phosphogypsum stack, in addition to phosphogypsum and cooling pond water, all solid waste materials related to the production and conveyance of phosphogypsum and cooling pond water, including radioactive solid waste materials subject to licensure by the Department of Health. The permittee shall maintain records of all solid waste deposits, other than phosphogypsum, including the type, amount, date of deposit, and location. These records shall be made available to Department personnel upon request. Unless as authorized above, disposal of non-phosphogypsum related materials within the phosphogypsum stack system is prohibited without prior written authorization from the Department. The disposal of all other solid waste materials at this facility shall be in accordance with the Department's regulations as contained in F.A.C. Rule 62-701.
12. The permittee shall have an aerial photograph of the complete phosphogypsum stack system, including process water impoundments and conveyance systems, taken annually during the months of January or February, for submittal to the Department on or before April 30th of each year.
13. The permittee shall report to the Department annually the average height of the phosphogypsum stack. The average height shall be determined between January 1st and February 28th of each year and reported in the previous years Annual Dam Report. [Section 62-4.070(1), 4-30-95]

B. Record keeping Requirements: [62-620.350, F.A.C., 11-29-94]

The permittee shall maintain the following records on the site of the permitted facility or other Department approved location, and make them available for inspection:

1. 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.
2. Copies of all reports, other than those required in Condition V.B.1 above, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule.
3. 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.
4. A copy of the current permit.
5. A copy of any required record drawings.
6. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule

VI. Compliance Schedules and Self-imposed Improvement Schedules:

1. The permittee shall perform the activities in accordance with the requirements of Consent Order No. 94-3751, and any amendments to this Order. This permit may be revoked if the permittee fails to comply with the terms of Consent Order No. 94-3751 and any amendments to it.
2. Compliance activities for Outfall 002:

- a. The permittee shall submit an appropriate background monitoring station (Station C) for discharges from Outfall 002, within 30 days of final issuance of this permit. Upon review and approval of the location by the Department, it shall be monitored in accordance with the requirements of I.A.17, of this permit.
 - b. The permittee shall implement the WQBEL Plan of Study (POS) for Outfall 002 dated March 16, 1993, as submitted to the Department on April 27, 1993, upon final issuance of this permit and resumption of discharge at Outfall 002. Upon implementing the WQBEL POS, a report on its results shall be submitted within 60 days of completion of all required field work.
 - c. The permittee shall perform a biological assessment study of the effects of the discharge from Outfall 002 on the receiving water, as proposed in the document entitled "Revised Proposal for Biology Assessment Study" prepared by Delta Environmental Consultants, Inc., dated November 3, 1992. The project shall comprise 3 phases to be implemented in the time-frames as follows:
 1. Phase 1 - Site visit with FDEP ----- within 30 days of final permit issuance.
 2. Phase 2 - Submit Biology Plan of Study (BPOS) to FDEP --- within 60 days of final permit issuance.
 3. Phase 3 - Submit report on results of the biological assessment to FDEP --- within 90 days of FDEP approval of the BPOS or within 90 days of discharge from Outfall 002, whichever occurs later.
 - d. The results of the WQBEL study and the biological assessment shall be incorporated into this permit, as appropriate.
3. The permittee must provide relevant information as required under Departmental notice dated October 17, 1996, to demonstrate compliance with applicable rules of 62-673, F.A.C., to justify continued operation of the phosphogypsum stack system beyond March 25, 2001. The permittee shall submit a request for permit revision, with the appropriate fee, to extend the life of the permit at least 180 days prior to its expiration date. Any submittals by the permittee prior to or along with the request for permit revision will be treated as information necessary for processing the request in accordance with and subject to the rights and remedies set forth in Chapter 120, Florida Statutes. The Department will notify the permittee, in writing, of its determination upon review of the submitted information. If the Department determines that the permittee is justified to continue operation of the unlined phosphogypsum stack system beyond March 25, 2001, the permit will be revised to extend its expiration date to no more than 5 years from the date of issuance.
4. Outfall 001 shall be maintained in working order but is not authorized for discharge of wastewater or contaminated stormwater under normal operating conditions. The structure may be used in emergency situations where the integrity of the process water impoundments are threatened and will require Departmental approval prior to use. Contaminated stormwater collected in the retention area west of the cooling ponds shall be pumped into the cooling pond system to undergo the treatment required for process wastewater prior to discharge from Outfall 003.
3. VZOD Compliance Issues:
- a. The Respondent shall submit to the Department within 90 days from the effective date of this permit, the proposed well locations for monitoring the vertical zone of discharge (VZOD), and detailed monitor well construction and development methodologies. These wells shall be installed within 30 days of receipt of written Departmental approval.
 - b. Within 30 days of well installation, details of monitor well construction descriptions, with accompanying construction diagrams and lithologic logs, shall be submitted to the Department.
 - c. Within 30 days of the installation of the new monitor wells identified in above, the Respondent shall sample the new monitor wells for the parameters listed below in paragraph 6. Thereafter, monitoring and submittal of analysis results for these wells shall be performed on a quarterly basis to coincide with the existing groundwater monitoring requirements.
5. Operational level achieved --- Effective date of the permit.

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 at the Southwest District office, 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 Phosphate Management permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.
5. In accordance with Rule 62-620.325, F.A.C., this permit may be revised to comply with any newly adopted rules and regulations adopted by the Department, that are applicable to this facility. Specifically, adoption of the revision to Rule 62-672, F.A.C., currently in the rule-making process. If such a revision occurs, the Department shall allow the permittee a reasonable amount of time to come into compliance with such conditions.

B. Specific Conditions Related to Construction

1. Within thirty days of completion of construction, the permittee shall submit to the Department a completed "Certification of Completion of Construction" (DEP form 62-620.910(12)) signed and sealed by the engineer of record.
2. Record drawings shall be prepared and made available in accordance with 62-620.410(10) F.A.C. within six months of placing the facilities into operation.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit. [62-620.335, F.A.C., 11-29-94]
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 Conditions VII.C.1. and VII.C.2., above 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. [62-620.335, F.A.C., 11-29-94]
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. [62-620.335, F.A.C., 11-29-94]

D. Specific Conditions Related to Best Management Practices Condition:

1. **BMP Plan:**
For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (the "Act"), oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the act. The permittee shall develop and implement a best Management Practices (BMP) plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations; and sludge and

waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Implementation:
The plan shall be developed and submitted to the Department for review within 180 days after the effective date of this permit. It shall be implemented immediately upon receipt of written approval from the Department.
3. General Requirements:
The BMP plan shall:
 - (a) Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
 - (b) Establish specific objectives for the control of pollutants such as:
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural conditions (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
 - (c) Establish specific best management practices to meet the objectives identified under paragraph b of this subsection, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented.
 - (d) Include any special conditions established in Section B of this part.
 - (e) Be reviewed by plant engineering staff and plant manager.
4. Documentation:
The permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.
5. BMP Plan Modification:
The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
6. Modification for Ineffectiveness:
If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under paragraphs b and c of item 3., the permit shall be subject to modification pursuant to Rule 62-620.325, F.A.C., to incorporate revised BMP requirements.

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

F. Specific Conditions Related to Financial Responsibility Requirements:

1. The permittee shall comply with the financial responsibility requirements of Section 62-673.640, Florida Administrative Code.

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), F.A.C.]

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized 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), F.A.C.]
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), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), F.A.C.]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), F.A.C.]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9), F.A.C.][s1]
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), F.A.C.]

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), F.A.C.]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-5.052, F.A.C. [62-620.610(13), F.A.C.]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 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), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17), F.A.C.]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, 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 contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. 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 “DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities” (DER-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), F.A.C.]
- 19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
- 20. The permittee shall report to the Department 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), F.A.C.]
- 21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. A. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. A. 20. of this permit. [62-620.610(21), F.A.C.]
- 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. A. 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. A. 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. A. 22. a. through 3. of this permit.
 - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII. A. 22. a. through c. of this permit.
[62-620.610(22), F.A.C.]
- 23. Upset Provisions

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

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Facilities