

**STATE OF FLORIDA  
INDUSTRIAL WASTEWATER FACILITY PERMIT**

**PERMITTEE:**

South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

**PERMIT NUMBER:**

FL0778451

**PA FILE NUMBER:**

FL0778451-001-GL7A/RA

**ISSUANCE DATE:**

September 10, 2012

**EXPIRATION DATE:**

September 09, 2017

**RESPONSIBLE AUTHORITY:**

Ms. Melissa L. Meeker  
Executive Director  
South Florida Water Management District

**FACILITY:**

**Everglades Construction Project**

**Eastern Flow-path:** Stormwater Treatment Area (STA) 1 East and STA 1 West (Palm Beach County)

**Central Flow-path;** STA-2 and STA 3/4 (Palm Beach and Broward Counties)

**Western Flow-path:** STA 5/6 (Palm Beach, Broward and Hendry County)

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES) Program. The above named permittee is hereby authorized to operate, maintain, and discharge from the facilities specified in this permit. This permit is accompanied by, and issued in reliance upon, Consent Order (Order) OGC# 12-1148<sup>1</sup>. The project actions and associated deadlines in paragraph 10 of the Order (as effective on August 15, 2012) are hereby incorporated by reference and are considered specific and independently enforceable conditions of this permit. Subsequent modifications to any actions and/or deadlines in this permit will be addressed consistent with State law and the State/EPA NPDES Memorandum of Agreement. Upon satisfaction of the requirements in paragraph 10 of the accompanying Order, the Department may issue future permits without such specific conditions. The water quality based effluent limitation (WQBEL) for phosphorus in Section I.A.1 of this permit becomes and remains effective and enforceable upon the date of issuance of this permit and during implementation of the corrective actions in Paragraph 10.

**PROJECT DESCRIPTION:**

This permit authorizes discharges from the operation and maintenance of Stormwater Treatment Area (STA) 1 East, STA 1 West, STA 2, STA 3/4 and STA 5/6, collectively referred to as the STAs. The facilities consist of wetland marsh systems which utilize green technology (biological treatment controls) in the removal of nutrients from surface water entering the facility. Wetland vegetation within the facilities is

<sup>1</sup> Because this permit is accompanied by and issued in reliance upon Consent Order OGC #12-1148, this permit shall not be effective until the Order becomes final agency action, is signed by the Respondent, and until the lapse of any stay granted during any judicial review.

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managed in conjunction with hydrologic operations to maintain optimal performance levels within the facility. The fact sheet for this permit contains a more particular description of the components of each treatment facility and a description as to how each facility operates.

**Eastern Flow-path: STA 1 East/West**

STA-1 East: Surface water enters the treatment facility via the S-363 A-C structures, the S-366 A-E structures, the S-370 A-C structures, the S-373 A and B structures and the S-361 Inflow/Seepage Return Pump Station<sup>2</sup>. Treated water is routed through the eastern (Cells 1 and 2), central (Cells 3, 4N and 4S) and western (Cells 5, 6 and 7) flow-ways before exiting the treatment facility via the S-362 Outflow Pump Station. The S-362 Outflow Pump Station is the discharge compliance monitoring station for this facility.

STA-1West: Surface water enters the treatment facility via the G-302 structure<sup>2</sup>. Treated water is routed through the eastern (Cells 1A, 1B and 3), western (Cells 2A, 2B and 4) and northern (Cells 5A and 5B) flow-ways before exiting the treatment facility via the G-251 and/or G-310 Outflow Pump Stations. The G-251 and the G-310 Outflow Pump Stations are the discharge compliance monitoring stations for this facility.

The STA-1E and STA-1W treatment facilities discharge into the northeastern (L-40 Canal) and northwestern (L-7 Canal) portion of Water Conservation Area 1 (WCA-1), also known as the Arthur R. Marshall Loxahatchee National Wildlife Refuge, respectively. See Figures 1 and 2 for specific locations of treatment facility inflow and discharge points. Wetlands and surface waters located within the receiving water bodies are Class III waters and WCA-1 is also designated an Outstanding Florida Water, pursuant to Rule 62-302.700(9)(b)17, F.A.C. The Department has determined that operation and maintenance of these projects are consistent with the anti-degradation requirements of Rules 62-4.242(1)-(2), F.A.C. and are clearly in the public interest pursuant to Subsection 373.4592(9)(a), F.S.

**Central Flow-path: STA-2 and 3/4**

STA-2: Surface water enters the treatment facility via the G-329 A-D, G-331 A-G, G-333 A-E, G-438 A-J and the G-440 A-F structures<sup>2</sup>. Treated water is routed through Flow-way 1 (Cell 1), Flow-way 2 (Cell 2), Flow-way 3 (Cell 3), Flow-way 4 (Cells 4, 5 and 6) and Flow-way 5 (Cells 7 and 8) before exiting the treatment facility via the G-335 and/or G-436 Outflow Pump Stations. The G-335 and the G-436 Outflow Pump Stations are the discharge compliance monitoring stations for this facility.

STA-3/4: Surface water enters the treatment facility via the G-374 A-F, the G-377 A-E and the G-380 A-F structures<sup>2</sup>. Treated water is routed through the eastern (Cells 1A and 1B), central (Cells 2A and 2B) and western (Cells 3A and 3B) flow-ways before exiting the treatment facility via the G-376 A-F, G-379 A-E, G-381 A-F structures and the G-388 Pump Station. Of these 18 structures, a subset of structures (the G-376 B and E; G-379 B and D; and G-381 B and E) were previously determined to be representative of the water quality from the individual flow-ways. These six structures (G-376 B and E, G-379 B and D and the G-381 B and E) are the outflow compliance monitoring stations for the facility.

STA-2 discharges into the western (L-6 Canal) portion of WCA-2A and STA-3/4 discharges into the L-5 Canal. See Figures 3 and 4 for specific locations of treatment facility inflow and discharge points. Wetlands and surface waters located within the receiving water bodies are Class III waters. The Department has determined that operation and maintenance of these projects are consistent with the anti-

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<sup>2</sup> Inflow monitoring for each facility is conducted at representative sites upstream of the treatment facility. While structures are monitored to appropriately characterize water quality of flows entering the treatment facility, the structures themselves may not be a component of or discharge directly into the treatment facility. See the accompanying Fact Sheet for additional details concerning inflow monitoring sites.

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degradation requirements of Rules 62-4.242(1)-(2), F.A.C. and are clearly in the public interest pursuant to Subsection 373.4592(9)(a), F.S.

**Western Flow-path: STA-5/6**

Surface water enters the treatment facility via the G342 A- D, G-342 G-N and the G-353 A-C structures<sup>2</sup>. Treated water is routed through Flow-way 1 (Cells 5-1A and 5-1B), Flow-way 2 (Cells 5-2A and 5-2B), Flow-way 3 (Cells 5-3A and 5-3B), Flow-way 4 (Cells 5-4A and 5-4B), Flow-way 5 (Cells 5-5A and 5-5B), Flow-way 6 (Cells 6-4 and 6-2), and Flow-way 7 (Cell 6-5) and Flow-way 8 (Cell 6-3) before exiting the treatment facility via the G-344 A-K, G-352 A-C, G-354 A-C and G-393 A-C structures. Of these 20 structures, a subset of structures for Flow-way 6 (G-352 B), Flow-way 7 (G-354 C) and Flow-way 8 (G-393 B), were previously determined to be representative of the water quality from the individual flow-ways. A total of 14 structures (G-344 A-K, G-352 B, G-354 C and G-393 B) structures are the outflow compliance monitoring stations for the facility.

The STA-5/6 treatment facility discharges into the STA-5/6 discharge canal along the eastern border of the facility. See Figure 5 for specific locations of treatment facility inflow and discharge points. Wetlands and surface waters located within the receiving water bodies are Class III waters. The Department has determined that operation and maintenance of these projects are consistent with the anti-degradation requirements of Rules 62-4.242(1)-(2), F.A.C. and are clearly in the public interest pursuant to Subsection 373.4592(9)(a), F.S.

**Diversion Structures**

The G-300 and G-301 structures (STA-1E and STA-1W, Figure 1 and 2), the G-338 and G-339 structures (STA-2, Figure 3), the G-371 and G-373 structures (STA-3/4, Figure 4) and the G-406<sup>3</sup> and G-407 structures (STA-5/6, Figure 5) are proximal to the STAs and, consistent with the provisions in Section I.E.10 below, may be operated to divert water away from the STA prior to entering the facility treatment works.

**EFFLUENT DISPOSAL:**

This permit authorizes the discharge of treated surface water from constructed wetland marsh systems. Surface water flows from the contributing basins are directed into these constructed wetlands for treatment utilizing natural, passive, physical, and biological processes for nutrient removal and water quality improvement.

**SURFACE WATER DISCHARGE:****STA-1E**

STA-1E discharges to the L-40 Canal (Class III Fresh Water) via the S-362 Pump Station (monitoring group D-001) is located at the following coordinates:

Structure	Latitude	Longitude
S-362	26° 37' 31.0728"N	80° 19' 4.9728"W

<sup>3</sup> G-406 is only considered a diversion structure when operated in concert with G-407. G-406 is an upstream feature which may deliver surface water to the STA. This structure is monitored to appropriately characterize water quality which may enter the facility, but this structure is not part of the NPDES facility.

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### STA-1W

STA-1W discharges to the L-7 Canal (Class III Fresh Water) via the G-251 Pump Station and the G-310 Pump Station (monitoring group D-002) are located at the following coordinates:

Structure	Latitude	Longitude
G-251	26° 35' 50.73"N	80° 26' 32.136"W
G-310	26° 35' 49.5018"N	80° 26' 47.241"W

### STA-2

STA-2 discharges to the L-6 Canal (Class III Fresh Water) via the G-335 Pump Station and the G-436 Pump Station (monitoring group D-003) are located at the following coordinates:

Structure	Latitude	Longitude
G-335	26° 22' 42.3258"N	80° 30' 45.5688"W
G-436 <sup>4</sup>	26° 22' 41.0016"N	80° 30' 45.1584"W

### STA-3/4

STA-3/4 discharges to the L-5 Canal (Class III Fresh Water) via the G-376A-F structures (monitoring group D-004, water quality represented by G-376B and G-376E), the G-379A-E structures (monitoring group D-005, water quality represented by G-379B and G-379D), the G-381A-F structures (monitoring group D-006, water quality represented by G-381B and G-381E) are located at the following coordinates:

Structure	Latitude	Longitude
G-376 B	26° 20' 6.4674"N	80° 33' 21.4668"W
G-376 E	26° 20' 6.1224"N	80° 34' 42.8232"W
G-379 B	26° 20' 5.5962"N	80° 36' 27.2262"W
G-379 D	26° 20' 20.5548"N	80° 37' 28.6458"W
G-381 B	26° 21' 33.9516"N	80° 38' 56.562"W
G-381 E	26° 21' 46.389"N	80° 40' 24.4122"W

### STA-5/6

STA-5/6 discharges to the STA-5/6 discharge canal along the eastern perimeter of STA-5/6 (Class III Fresh waters), via the G-344A and B (monitoring group D-007), G-344 C and D (monitoring group D-008), G-344 E and F (monitoring group D-009), G-344 G and H (monitoring group D-010), G-344 I through K (monitoring group D-011), G-352 A-C structures (represented by G-352B, monitoring group D-012), G-354 A-C structures (represented by G-354 C, monitoring group D-013) and the G-393 A-C structures (represented by G-393B, monitoring group D-014) are located at the following coordinates:

Structure	Latitude	Longitude
G-344 A	26° 27' 30.5352"N	80° 53' 0.9744"W

<sup>4</sup> Locations are approximate.

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G-344 B	26° 27' 2.3862"N	80° 53' 0.3402"W
G-344 C	26° 26' 36.6714"N	80° 52' 59.5446"W
G-344 D	26° 26' 10.95"N	80° 52' 59.0226"W
G-344 E	26° 26' 9.9918"N	80° 52' 56.8236"W
G-344 F	26° 25' 44.565"N	80° 52' 58.6848"W
G-344 G	26° 24' 52.516"N	80° 52' 56.874"W
G-344 H	26° 24' 26.793"N	80° 52' 56.287"W
G-344 I	26° 24' 00.619"N	80° 52' 55.640"W
G-344 J	26° 23' 34.466"N	80° 52' 55.066"W
G-344 K	26° 23' 07.448"N	80° 52' 54.463"W
G-352 B	26° 22' 14.2422"N	80° 52' 53.7996"W
G-354 C	26° 20' 58.6392"N	80° 52' 51.909"W
G-393 B	26° 20' 10.197"N	80° 52' 56.5176"W

**IN ACCORDANCE WITH:** The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 6 through 21 of this permit.

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## I. Effluent Limitations and Monitoring Requirements

### A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from all facility discharge points that the Department has determined are represented by the water quality monitoring sites required at STA-1E D-001; STA-1W D-002; STA-2 D-003; STA-3/4 D-004, D-005 and D-006; and STA-5/6 D-007, D-008, D-009, D-010, D-011, D-012, D-013 and D-014. Such discharges shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Other	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total (as P) (ppb)	--	--	Shall not exceed: 13 ppb <sup>5</sup> as an annual flow weighted mean (FWM) in more than 3 out of 5 water years on a rolling basis; and 19 ppb <sup>5</sup> as an annual flow-weighted mean (AFWM) in any water year. See I.A.5 through I.A.10 <sup>6</sup>	Weekly When Recorded Flow/ Weekly	Grab/Flow Proportioned Composite	STA-1E: D-001 STA-1W: D-002 STA-2: D-003 STA-3/4: D-004, D-005, and D-006 STA-5/6: D-007, D-008, D-009, D-010, D-011, D-012, D-13 and D-014
Phosphorus, Total (as P) (ppb)	--	--	Report <sup>4</sup>	Weekly When Recorded Flow/ Weekly	Grab/Flow Proportioned Composite	STA-1E: SWU-001, SWU-002, and SWU-003 STA-1W: SWU-004 STA-2: SWU-005, SWU-006, SWU-007 and SWU-008 STA-3/4: SWU-009 and SWU-010 STA-5/6: SWU-011, SWU-012, SWU-013 <sup>7</sup> , and SWU-014

<sup>5</sup> All TP monitoring results shall be reported as annual flow-weighted mean (AFWM) concentrations for discharges from the facility using data it collected for the previous water year (May 1st through April 30th). The results shall be reported as an AFWM (rounded to the nearest whole number) that is calculated based on flow-weighted mean (FWM) of weekly samples that are not rounded to the nearest whole number. (i.e., a calculated AFWM of 13.5 ppb shall be reported as 14 ppb; 13.49 ppb shall be reported as 13 ppb).

<sup>6</sup> Compliance with the WQBEL shall be determined for an individual facility based on the combined flow and water quality from representative discharge monitoring sites for the individual facilities upon completion of the water year. Compliance with the WQBEL for STA-1E shall be determined based on the water year (May 1<sup>st</sup> through April 30<sup>th</sup>) flow and water quality from monitoring group D-001. Compliance with the WQBEL for STA-1W shall be determined based on the water year (May 1<sup>st</sup> through April 30<sup>th</sup>) combined flow and water quality using the stations in monitoring group D-002. Compliance with the WQBEL for STA-2 will be based on the water year (May 1<sup>st</sup> through April 30<sup>th</sup>) combined flow and water quality using the stations in monitoring group D-003. Compliance with the WQBEL for STA-3/4 will be based on the water year (May 1<sup>st</sup> through April 30<sup>th</sup>) combined outflow from the entire facility and water quality from the stations in monitoring groups D-004 through D-006. Compliance with the WQBEL for STA-5/6 will be based on the water year (May 1st through April 30th) combined outflow from the entire facility and water quality from stations D-007 through D-014.

<sup>7</sup> Grab only.

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Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Daily Maximum	Other	Monitoring Frequency	Sample Type	Sample Point
Flow (CFS)	--	Report	Report	Daily	Calculated/ Pump Record	STA-1E: D-001 STA-1W: D-002 STA-2: D-003 STA-3/4: D-004, D-005, and D-006 STA-5/6: D-007, D-008, D-009, D-010, D-011, D-012, D-13 and D-014
Flow (CFS)	--	--	--	Daily	Calculated/ Pump Record	STA-1E: SWU-001, SWU-002, and SWU-003 STA-1W: SWU-004 STA-2: SWU-005, SWU-006, SWU-007 and SWU-008 STA-3/4: SWU-009 and SWU-010 STA-5/6: SWU-011, SWU-012, SWU-013, and SWU-014
pH (SU)	6.0	8.5	--	Weekly When Recorded Flow	INSITU	STA-1E: D-001 STA-1W: D-002 STA-2: D-003 STA-3/4: D-004, D-005, and D-006 STA-5/6: D-007, D-008, D-009, D-010, D-011, D-012, D-13 and D-014



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2. Effluent samples and samples necessary to characterize surface water inflows to the treatment works shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
STA-1E: SWU-001	Representative sampling location upstream from the treatment works at the S-319 Pump Station
STA-1E: SWU-002	Representative sampling location upstream from the treatment works at the G-311 Structure
STA-1E: SWU-003	Representative sampling location upstream from the treatment works at the S-361 Pump Station
STA-1E: D-001	Sampling location for Outfall D-001 at the S-362 Pump Station.
STA-1W: SWU-004	Representative sampling location upstream from the treatment works at the G-302 Structure
STA-1W D-002	Sampling location for Outfall D-002 at the G-251 and G-310 Pump Stations.
STA-2: SWU-005	Representative sampling location upstream from the treatment works at the S-6 Pump Station
STA-2: SWU-006	Representative sampling location upstream from the treatment works at the G-328 Pump Station
STA-2: SWU-007	Representative sampling location upstream from the treatment works at the G-434 Pump Station
STA-2: SWU-008	Representative sampling location upstream from the treatment works at the G-435 Pump Station
STA-2: D-003	Sampling location for Outfall D-003 at the G-335 and the G-436 Pump Stations.
STA-3/4: SWU-009	Representative sampling location upstream from the treatment works at the G-370 Pump Station
STA-3/4: SWU-010	Representative sampling location upstream from the treatment works at the G-372 Pump Station
STA-3/4: D-004	Sampling locations for Outfall D-004 at the G-376 B and E structures
STA-3/4: D-005	Sampling locations for Outfall D-005 at the G-379 B and D structures
STA-3/4: D-006	Sampling locations for Outfall D-006 at the G-381 B and E structures
STA-5/6: SWU-011	Representative sampling location upstream from the treatment works at the G-342A and B structures
STA-5/6: SWU-012	Representative sampling location upstream from the treatment works at the G-342C and D structures
STA-5/6: SWU-013	Representative sampling location upstream from the treatment works at the G-406 structure
STA-5/6: SWU-014	Representative sampling location upstream from the treatment works at the G-508 Pump Station
STA-5/6: D-007	Sampling locations for Outfall D-007 at the G-344A and B structures.
STA-5/6: D-008	Sampling locations for Outfall D-008 at the G-344 C and D structures.
STA-5/6: D-009	Sampling locations for Outfall D-009 at the G-344 E and F structures.
STA-5/6: D-010	Sampling locations for Outfall D-010 at the G-344 G and H structures.
STA-5/6: D-011	Sampling locations for Outfall D-011 at the G-344 I through K structures.



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Sample Point	Description of Monitoring Location
STA-5/6: D-012	Sampling locations for Outfall D-012 at the G-352 B structure
STA-5/6: D-013	Sampling locations for Outfall D-013 at the G-354 C structure
STA-5/6: D-014	Sampling locations for Outfall D-014 at the G-393 B structure

3. There shall be no discharge of floating solids or visible foam in other than trace amounts. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.
4. The discharge shall not cause a visible sheen on the receiving water. This provision shall not be interpreted to prevent discharges of constituents normally found in or resulting from marsh wetland systems.
5. Beginning on July 28th after the permit effective date and each July 28th thereafter, the permittee shall report the total phosphorus (TP) annual flow-weighted mean (AFWM) outflow concentrations for each facility in accordance with Section I.A.1 using data collected for the previous water year (May 1st through April 30th) to the Department at the address identified in Section I.E.5 of this permit. In addition, beginning on July 28th after the permit effective date and each July 28th thereafter, the permittee shall report the TP AFWM concentrations for each of the STA's previous four water years. The permittee shall provide reports, consistent with the requirements in Paragraph 13 of the accompanying Consent Order (OGC# 12-1148), in lieu of the requirements of Section I.A.6 – I.A.10 below for the effective period of the Order.
6. The permittee shall provide a mid-year report of the flow-weighted mean (FWM) of all TP outflow values for the current water year for each STA (outflow values through October 31<sup>st</sup> including provisional data). The report shall be submitted to the Department on the 28th day of December of that water year at the address identified in Section I.E.5 of this permit. The mid-year TP FWM should be calculated in accordance with Table 1, and if the mid-year TP FWM of the outflow values for an STA exceeds 19 ppb, the permittee shall include, as part of the report, an assessment of the conditions responsible for the observed concentrations and any immediate steps that shall be taken to address future compliance for that STA with the TP AFWM component of the WQBEL (See Exhibit A).
7. In the event that the TP AFWM for an STA exceeds 19 ppb, the permittee shall submit, as part of the annual report required by Section I.A.5., an assessment that identifies the circumstances that led to the exceedance. The report shall include what actions were taken based on the mid-year report, if applicable, to address the findings of that assessment and a Recovery Plan that identifies specific strategies and milestones to address future compliance with the TP AFWM component of the WQBEL which may include petition for relief pursuant to 40 C.F.R. § 131.10(g).
8. In a water year following any two water years within a five year period where the TP AFWM for an STA exceeds 13 ppb, the permittee shall provide the Department a mid-year report as required in Section I.A.6. As part of the mid-year report, the permittee shall provide an assessment of the conditions responsible for the observed concentrations during the two water years when the exceedances occurred, and any steps that shall be taken to address future compliance with the TP long-term flow weighted mean (LTFWM) component of the WQBEL. If the TP AFWM for an STA meets 13 ppb in a water year following the second exceedance of 13 ppb within a five year period, the assessment portion of the mid-year report is not required for that STA in the subsequent water years' mid-year report.

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9. In a water year following any three water years within a five year period where the TP AFWM exceeds 13 ppb, the permittee shall provide the Department a mid-year report as required by Section I.A.6. As part of the mid-year report, the permittee shall provide an assessment of the conditions responsible for the observed concentrations during the three water years when the exceedances occurred, what actions were taken based on the previous mid-year report required in Section I.A.8. above to address the findings of that assessment and a Recovery Plan that identifies specific strategies and milestones to address future compliance with the TP LTFWM component of the WQBEL.

If the TP AFWM for an STA meets 13 ppb in a water year following the third exceedance of 13 ppb within a five year period, the mid-year report of the subsequent year within a five year period where the potential for non-compliance with the LTFWM component of the WQBEL exists shall provide an assessment of the conditions observed, describe what actions were taken based on the previous mid-year report and under the established Recovery Plan, and what steps will be taken during that five year period to address future compliance with the TP LTFWM component of the WQBEL.

10. In the event that the TP LTFWM is exceeded, the permittee shall submit, as part of the annual reporting period identified in Section I.A.5., an assessment that identifies the circumstances that led to the exceedance, what actions were taken based on the mid-year reports required in Section I.A.8 and I.A.9 above to address the findings of those assessments and a revised Recovery Plan that identifies specific strategies and milestones to address future compliance with the WQBEL, which may include petition for relief pursuant to 40 C.F.R. §131.10(g).

**B. Underground Injection Control Systems**

1. This section is not applicable to this facility.

**C. Land Application Systems**

1. This section is not applicable to this facility.

**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.

**E. Other Limitations, Monitoring and Reporting Requirements**

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs and PQLs (practical quantification limits), which is titled "Guidance for the Selection of Analytical Methods and for the evaluation of MDLs and PQLs", dated April 25, 2006 and is in accordance with the list of analytical methods referenced in Rule 62-4.246(4), F.A.C., is available from the department at [www.dep.state.fl.us/labs/docs/mdl\\_pql\\_guide.pdf](http://www.dep.state.fl.us/labs/docs/mdl_pql_guide.pdf). The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
  - a. The laboratory's reported MDL and PQL values for the particular method must be equal to or less than the corresponding method values specified in the Department's approved MDL and PQL list;

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- b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 F.A.C.; and
- c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

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

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs and PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs is not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above referenced list is not necessary if the analytical method is in accordance with 40 CFR 136.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Field measurement methods for pH shall be in accordance with DEP QA Rule, 62-160, F.A.C., and/or effective DEP SOPs which are available from the Department at <http://www.dep.state.fl.us/water/SAS/sop/index.htm>
3. Herbicide use is authorized for maintenance purposes if the use is in accordance with the labeled instructions and any applicable State permit. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream, which ultimately may be released to waters of the State, is prohibited unless specifically authorized by this permit and documented in the administrative record.

The permittee shall notify the Department in writing at the address listed in Condition I.E.6 no later than three months prior to instituting use of any chemical in any portion of the treatment system which is not already authorized by this permit and may be toxic to aquatic life. The Department shall review the above information to determine if a permit revision is necessary. Such notification shall include:

- a. Name of chemical;
  - b. Chemical manufacturer;
  - c. Frequency of use; and,
  - d. Quantities to be used
4. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements. During the period of operation authorized by this permit, the permittee shall complete and submit Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type below and indicated on the DMR forms. Annual DMR's shall include both the monthly monitoring results as well as a report of the annual flow-weighted mean monitoring result for the facility. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates to the address specified below.

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REPORT Type On DMR	Monitoring Period	DMR Due Date
Monthly <sup>8</sup>	first day of month – last day of month	28th day of the third month following the month of sampling
Annual	May – April	28th day of July

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

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The DMR form(s) shall be submitted as specified above with the statement "No Discharge" written thereon.

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

Florida Department of Environmental Protection  
Office of Ecosystem Projects  
Program Coordination and Regulation Section  
3900 Commonwealth Boulevard, MS 24  
Tallahassee, FL 32399  
Phone Number- (850) 245-3180  
Fax Number\* - (850) 245-3145  
RPPS\_Comp@dep.state.fl.us

\*All FAX copies shall be followed by original copies.

6. The permittee shall submit a Comprehensive Annual Report (i.e. the South Florida Environmental Report or other Department approved reporting format) demonstrating compliance with all of the terms of this permit and according to the schedule as set forth in Section VI.1. Specifically, the report shall include details regarding:
- Implementation of activities required by this permit, Department issued enforcement or consent order and regional activities by Basin, i.e., best management practices implementation, including current phosphorus loads and trend analysis of flows and loads to the facilities;
  - Facility design modifications which may affect the activities required by this permit;
  - Improvements, enhancements, and/or regional water management projects that have been initiated and/or completed within the previous year;
  - Any delays in the implementation of the requirements of this permit, the duration of the delays, the reason(s) for the delays, and the expected timeframe for their resolution;
  - The implementation status of facility recovery plans in accordance with Section I.A.7, I.A.9 and I.A.10, and/or following a major event outside the control of the permittee (e.g. hurricane) which has affected the operational status or the ability to satisfy the requirements of this permit;

<sup>8</sup> DMRs shall be submitted for each required monitoring period including months of no discharge.



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- f. For any noncompliance with permit conditions, an evaluation of the cause(s) and the status of remedial measures required by this permit to resolve any noncompliance with permit conditions;
  - g. All reports and other information signed in accordance with requirements of Department Rule.
  - h. For any downstream transect station, a compilation of the water quality, sediment, and vegetation monitoring data collected, as appropriate, and an assessment of whether conditions in the receiving waterbody remain unchanged, improved, or worse than the previous year/monitoring.
  - i. Whether revisions and/or improvements and enhancements to the facility or regional water management system are recommended, as necessary, to ensure compliance with the conditions of this permit;
  - j. Summary of the reports required under Section I.A.5 through I.A.10;
  - k. A summary report describing whether operation of the STA(s) has been impacted by or constrained due to requirements of the Endangered Species Act or Migratory Bird Treaty Act.
7. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
8. Upon demonstration that a specific parameter(s) is consistently shown to be below the detection limit in the effluent, the permittee may request a modification to the monitoring program as appropriate. A minimum of one year of data, for those parameters being sampled quarterly or more frequently, shall be required prior to the Department approving any modification to the monitoring program. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters which are consistently shown to be undetected in the effluent.
9. The permittee shall report along with the monthly DMR submittals whether operation of facilities has been impacted by or constrained due to requirements under the Endangered Species Act or Migratory Bird Treaty Act. The report should include the species involved, an estimate of the number of individual animals and species impacted, actions taken to avoid deleterious impacts on the endangered species, the affect those actions had on compliance with any condition of this permit, and an estimate of when facility operation will no longer be impacted or constrained.
10. Diversion, or the delivery of surface water to the Everglades Protection Area without entering the treatment works, occurs when water is routed through the G-300, G-301, G-338, G-339, G-371, G-373, G-406<sup>9</sup> and/or G-407 structures. Diversion shall, at no time, be permitted for the purposes of achieving compliance with Section I.A.1 of this permit. All diversions shall be monitored for flow (calculated daily) and TP (weekly grab), when flowing, and shall be reported as part of the annual reporting requirements in Section I.A.5 and Section I.E.6 of this permit. Monitoring data submitted to the Department shall be reported in a manner that distinguishes between the type of diversion (e.g. flood control vs. water supply). Within 14 days of the end of a diversion(s), the District shall provide a written report to Department documenting the events that led to the diversion(s) and the duration of said diversion(s). As soon as practicable after the cessation of a diversion(s), the District shall submit to the Department the data collected during the diversion(s).

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<sup>9</sup> G-406 is only considered a diversion structure when operated in concert with G-407. G-406 is an upstream feature which may deliver surface water to the STA. This structure is monitored to appropriately characterize water quality which may enter the facility, but this structure is not part of the NPDES facility.

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## **II. Industrial Sludge Management Requirements**

1. This section is not applicable to this facility.

## **III. Ground Water Monitoring Requirements**

1. This section is not applicable to this facility.

## **IV. Other Land Application Requirements**

1. This section is not applicable to this facility.

## **V. Operation and Maintenance Requirements**

1. The permittee shall ensure that the operation of this facility is as described in the application [insert dates] and supporting documents [identify and insert dates]. The permittee is authorized to undertake routine maintenance and repairs on the facility to ensure compliance with this condition.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.
3. Activities such as ongoing maintenance may have adverse impacts on STA performance. In addition, major events may compromise the structural integrity or performance of the STA or section(s) of the STA. Such activities or events will be subject to the planned changes, bypass, and/or upset provisions set forth in Section VIII Paragraphs 17, 22, and 23.
4. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
  - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for a least ten (10) years from the date the sample or measurement was taken;
  - b. Copies of all reports required by the permit for at least ten (10) years from the date the report was prepared;
  - c. Records of all data, including reports and documents, used to complete the application for the permit for at least ten (10) years from the date the application was filed;
  - d. A copy of the current permit;
  - e. A copy of any required record drawings; and
  - f. Copies of the logs and schedules showing plant operations and equipment maintenance for ten (10) years from the date of the logs or schedules.

## **VI. Schedules**

1. The Comprehensive Annual Report (Annual Report) required in Section I.E.6 shall be received by the Department no later than March 1st of each year following the effective date of this permit. Each Annual Report shall present the information for the previous water year, May 1st through April 30th, and information necessary to determine compliance with the requirements of this permit. Upon approval by the Department, the



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District may modify the Annual Report submission date to coincide with multiple reporting requirements and time periods needed for data acquisition and analysis.

2. A revised Pollution Prevention Plan (PPP) for each facility shall be prepared as needed and submitted to the Department for approval. Any changes to the PPP that warrant modifications to the current plan must be submitted within 90 days of modifying the PPP.
3. Upon completion of any planned activities which may affect the operation of the STA and compliance with the requirements specified herein, the permittee shall submit to the Department an updated Operations Plan for the STA. Until the updated Operations Plan is submitted by the permittee and approved by the Department, the previously existing Operations Plan shall remain in effect.
4. Mid-year and Annual Discharge Performance reports shall be submitted when required under Section I.A.5 through and I.A.10. Recovery Plans shall be submitted when required under Section I.A.7 through I.A.10. Notices of Non-Compliance shall be submitted when required under Section I.A.7 and I.A.10. The following table outlines the scheduled submittal dates:

Required Action		Scheduled Completion Date
1.	Annual Discharge Performance Reports (to include 4th quarter and annual DMR submittal)	July 28th every year
2.	Mid-year Discharge Performance Reports on 19 ppb AFWM Limit (to include 1st and 2nd quarter DMRs along with available provisional data)	December 28th every year
3.	Mid-year Discharge Performance Reports in Response to LTFWM >13 ppb	December 28th when 2 or more years in a compliance cycle >13 ppb AFWM
4.	STA Recovery Plan	July 28th following an exceedance of the AFWM Limit of 19 ppb in any water year
		July 28th following any 3 water years in a compliance cycle > 13 ppb AFWM
		July 28th following an exceedance of the LTFWM of 13 ppb (>13 ppb in more than 3 years of a compliance cycle)
5.	Notice of Non-Compliance	In the event of an exceedance of the 13 ppb LTFWM Limit and/or 19 ppb AFWM Limit

## **VII. Other Specific Conditions**

### **A. Specific Conditions Applicable to All Permits**

1. Approved drawings, plans, or specifications submitted by the permittee, not attached hereto, but retained on file with the Department, are made a part hereof.

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2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) F.S., applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies the Industrial Wastewater Program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

**B. Specific Conditions Related to Construction**

1. Within 30 days of completion of construction of authorized facility modifications, 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 or other engineer registered in the state of Florida.
2. Record drawings shall be prepared 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 placing the facilities into operation.

**C. Duty to Reapply**

1. The permittee shall apply for renewal of this permit at least 180 days before the expiration date of the permit using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

**D. Specific Conditions Related to the Pollution Prevention Plan**

1. Any revised PPP shall be prepared in accordance with the schedules identified in Section VI.2 and submitted to the Department for review and approval.
2. The STAs shall be operated in accordance with the respective Pollution Prevention Plans (PPP) until such time as a revised PPP is approved by the Department. If a permitted facility is demonstrated to not be achieving compliance with the requirements of this permit, the permittee shall modify the PPP(s) or the Operations Plan(s) as appropriate.

**E. Re-opener Clause**

1. The permit may be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any condition in the permit; or
- b. Controls any pollutant not addressed in this permit.

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

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future water quality based effluent limitation (WQBEL) determinations, water quality studies, Department approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

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3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department may revise this permit to incorporate the final findings of the TMDL, in accordance with Section 403.067, F.S.

#### **VIII. General Conditions**

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

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personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to

- a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  - b. Have access to and copy any records that shall be kept under the conditions of this permit;
  - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.  
[62-620.610(9), F.A.C.]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), F.A.C.]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the Department approves the transfer. [62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), F.A.C.]

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17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance 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 non-compliance;
  - b. The period of the anticipated non-compliance, including dates and times; and
  - c. Steps being taken to prevent future occurrence of the non-compliance. [62-620.610(17), F.A.C.]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
  - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
  - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
  - d. Except as specifically provide in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
  - e. Fields activities including on-site tests and sample collection shall follow the applicable standard procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
  - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C. [62-620.610(18), F.A.C.]
19. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department's Tallahassee Office any non-compliance 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 non-compliance and its cause; the period of non-compliance including exact dates and time, and if the non-compliance 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 non-compliance.



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- a. The following shall be included as information which must be reported within 24 hours under this condition:
  - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
  - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
  - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
  - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.(4) that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
    - (a) Name, address, and telephone number of person reporting;
    - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
    - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
    - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
    - (e) Estimated amount of the discharge;
    - (f) Location or address of the discharge;
    - (g) Source and cause of the discharge;
    - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
    - (i) Description of area affected by the discharge, including name of water body affected, if any; and
    - (j) Other persons or agencies contacted.
  - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.(1) above, shall be provided to Department's Southeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the non-compliance has been corrected, and the non-compliance did not endanger health or the environment, the Department's Southeast District Office shall waive the written report. [62-620.610(20), F.A.C.]



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21. The permittee shall report all instances of non-compliance not reported under Conditions VIII. 17., 18., 19. and 20. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. [62-620.610(21), F.A.C.]
22. Bypass Provisions. The term "bypass" shall mean the intentional diversion of waste streams from any portion of the treatment works.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
    - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
  - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
  - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
  - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.  
[62-620.610(22), F.A.C.]
23. Upset Provisions
- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated;
    - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
    - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
  - b. In any enforcement proceeding, the burden of proof for establishing occurrence of an upset rests with the permittee.
  - c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that non-compliance was caused by an upset is final agency action subject to judicial review. [62-620.610(23), F.A.C.]

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Executed on this 10<sup>th</sup> day of September in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Herschel T. Vinyard Jr.  
Secretary

### FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, F.S., with the designated deputy clerk, receipt of which is hereby acknowledged.

 9/10/12  
Clerk Date

#### Parties Requesting Notice:

Miccosukee Tribe of Indians of Florida, c/o Bernardo Roman III, Esq.  
United States Sugar Corporation, c/o Rick J. Burgess, Esq.  
Seminole Tribe of Indians of Florida, c/o Stephen A. Walker, Esq.  
Sugar Cane Growers Cooperative, Roth Farms, Inc., and Wedgeworth Farms, Inc.,  
c/o Gary V. Perko, Esq.  
Friends of the Everglades, c/o Paul Schwiep, Esq. Coffey Burlington  
Keith Saxe, Esq., U. S. Department of Justice  
Jay Gelderman, Esq., U.S. Department of Justice  
Michael Stevens, U.S. Department of the Interior  
Jeffrey J. Ward, Sugar Cane Growers Cooperative  
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#### Additional Electronic Copies Furnished To:

Andrew Grayson, Governor's Office of Policy and Budget  
Shelley Vana, Commissioner, Palm Beach County  
Tris Chapman, Commissioner, Hendry County

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John E. Rodstrom, Jr., Commissioner, Broward County  
Sharon Kocis, U.S. Fish and Wildlife Service  
Ray Eubanks, Dept. of Economic Opportunity  
Michael Hart, Dept. of State, Div. of Historical Resources  
Ray Scott, Dept. of Agriculture and Consumer Services  
Rebecca Elliot, Dept. of Agriculture and Consumer Services  
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Colonel Alan M. Dodd, USACE, Jacksonville  
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Stacey Feken, FDEP, Tallahassee

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Marissa Krueger, FDEP, West Palm