

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a Class G-II Ground Water
Quality Criteria Exemption
Praxair, Inc.
Mims, Florida

OGC File No. 16-0169
Brevard County

**FINAL ORDER
GRANTING A WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection hereby issues a Final Order granting renewal of a water quality criteria exemption for sodium, chloride, sulfate, and total dissolved solids (TDS) pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to Praxair, Inc. (Praxair), Mims, Brevard County, Florida, as set forth below.

BACKGROUND

1. On February 1, 2016, the Department received a petition from Praxair for renewal of a water quality criteria exemption pursuant to Rule 62-520.500, F.A.C., associated with permitted industrial wastewater discharge to Class G-II ground water. The installation is the Mims Facility (Mims) located in Brevard County at 2801 Hammock Road, Mims, Florida, 32754. Praxair has owned and operated the facility since approximately 1984.
2. The petition is for renewal of an exemption from the ground water standards pursuant to Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rules 62-550.310 and 62-550.320, F.A.C. Specifically, the petition requests an exemption from the ground water standards for sodium, chloride, sulfate, and total

dissolved solids (TDS). The sodium ground water standard is 160 mg/L, and is a health-based primary drinking water standard pursuant to Rule 62-550.310, F.A.C. The chloride, sulfate and TDS ground water standards are 250 mg/L, 250 mg/L, and 500 mg/L, respectively, and are aesthetic-based secondary drinking water standards pursuant to Rule 62-550.320, F.A.C.

3. On September 13, 2011, the Department issued a Final Order granting the Praxair Mims facility the original exemption from the Class G-II ground water standards for sodium, chloride, sulfate and TDS.

4. The Mims facility is authorized to treat and discharge industrial wastewater to ground water under Permit Number 05-FLA103641. Ground water is monitored in accordance with the approved facility ground water monitoring plan as required by the Mims facility industrial wastewater Permit Number 05-FLA103641.

FINDINGS AND CONCLUSIONS

5. The Department has reviewed the Praxair petition for a water quality criteria exemption for the Mims facility and determined that the petition meets the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1), F.A.C.

6. On June 8, 2016, the Department issued an Intent to Grant a water quality criteria exemption for sodium, chloride, sulfate and TDS to Praxair under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I.

7. On June 9, 2016, the Department sent a cover letter and the executed Notice of Intent to Grant, notifying the Petitioner of the Department's proposed agency

action and advising the Petitioner of the right to a hearing pursuant to sections 120.569 and 120.57, F.S.

8. As required by the Intent to Grant, pursuant to section 403.815, F.S., and Rules 62-110.106(7) and 62-520.500(3), F.A.C., the Petitioner published notice on June 23, 2016, in the Florida Today, a daily newspaper published in Brevard County, Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication is attached as Exhibit II.

9. The Department published notice of the Intent to Grant on June 10, 2016, in the *Florida Administrative Register* informing the public of the Department's intended action and offering an opportunity for hearing pursuant to sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

10. The Petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a petition pursuant to sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights.

IT IS THEREFORE ORDERED that the Praxair petition for an exemption from the drinking water standards for sodium, chloride, sulfate, and TDS set forth in Rules 62-550.310 and 62-550.320, F. A.C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) Renewal of the exemption is being granted based on the Department's determination that the permittee's industrial wastewater discharge will not present a danger to the public health, safety or welfare and will have no environmental, social or economic effect.

(b) The exemption and alternate criteria will be incorporated into IWW renewal Permit Number 05-FLA103641 upon Department issuance, and approved for the duration of said permit. Under the conditions of this exemption, the maximum ground water quality concentrations shall be limited as follows: sodium - 600 mg/L, chloride – 600 mg/L, sulfate – 1,110 mg/L, and TDS – 2,800 mg/L. A petition for any future renewal of this exemption must be submitted by the applicant in conjunction with any future renewal of IWW Permit Number 05-FLA103641.

(c) The exemption provides relief only from the primary drinking water standards for sodium contained in Rule 62-550.310, F.A.C, and for the secondary drinking water standards for chloride, sulfate, and TDS contained in Rule 62-550.320, F.A.C., as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to the Mims facility.

(d) The permittee shall monitor water quality in accordance with the specific conditions of IWW Permit Number 05-FLA103641 and any future permit renewals.

A party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

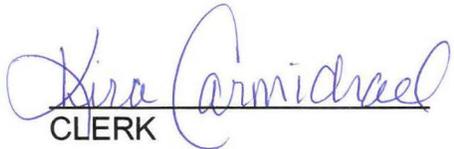
DONE AND ORDERED this 28 day of July 2016, in Tallahassee,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jane Herndon, Esq., Deputy Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.


CLERK

7/28/2016
DATE

Copies furnished to:

Betsy Hewitt FDEP Tallahassee
Marc Harris FDEP Tallahassee
Mary Kraus FDEP Central District
Chris Ferraro FDEP Central District

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a Class G-II Ground Water
Quality Criteria Exemption
Praxair, Inc.
Mims, Florida

OGC File No. 16-0169
Brevard County

INTENT TO GRANT A GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection (Department) gives notice of its Intent to Grant a water quality criteria exemption under Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Praxair, Inc. (Praxair) Mims Facility (Mims), Brevard County, Florida, as detailed in the petition specified above. The Department is issuing this Intent for the reasons stated below.

BACKGROUND

1. On February 1, 2016, the Department received a petition from Praxair for renewal of a water quality criteria exemption associated with permitted wastewater discharge to Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The exemption is for the Praxair Mims facility located in Brevard County at 2801 Hammock Road, Mims, Florida 32754. Praxair has owned and operated this facility since approximately 1984.

2. The petition is for renewal of an exemption from the ground water standards pursuant to Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rules 62-550.310 and 62-550.320, F.A.C. Specifically, the petition

requests an exemption from the ground water standards for sodium, chloride, sulfate, and total dissolved solids (TDS). The sodium ground water standard is 160 mg/L, and is a health-based primary drinking water standard pursuant to Rule 62-550.310, F.A.C. The chloride, sulfate and TDS ground water standards are 250 mg/L, 250 mg/L, and 500 mg/L, respectively, and are aesthetic-based secondary drinking water standards pursuant to Rule 62-550.320, F.A.C.

3. On September 13, 2011, the Department issued a Final Order granting the Praxair Mims facility the original exemption from the Class G-II ground water standards for sodium, chloride, sulfate and TDS.

4. The Mims facility is not an existing installation pursuant to Rule 62-520.200(10), F.A.C., and therefore, is not exempt from compliance with the secondary drinking water standards pursuant to Rule 62-520.520, F.A.C.

5. The Mims facility is located on a 27.71-acre rectangular shaped piece of property situated on the western shoreline of the Indian River Lagoon, a Class II marine surface water body. The area immediately surrounding the site is sparsely populated with scattered commercial and rural residential properties. The facility is bounded on the east by coastal wetlands and the Indian River Lagoon, to the west by citrus grove, and to the north and south by vacant land.

6. The Mims facility manufactures cryogenic liquefied oxygen, nitrogen and argon gases for industrial use. The facility consists of a cryogenic air separation column, associated gas compressors, a liquefier, product storage tanks, a cooling tower, two oil/water separators, and associated buildings, including a garage for truck

maintenance and fueling. The major raw material consumed at the facility is ambient air that is used to manufacture the liquefied gases.

7. Industrial wastewater and contact storm water generated at the facility is sent to the wastewater system for treatment and then routed to the on-site East and West Percolation Ponds (ponds) for discharge to ground water. The ponds consist of a hybrid system using both spray irrigation and percolation to facilitate discharge to ground water. The wastewater system has a design flow limit of 0.10 million gallons per day (MGD). The maximum permitted annual average hydraulic loading rate to the ponds is 0.033 MGD. The ponds are not authorized to discharge to surface waters of the State.

8. Sources of wastewater include non-contact cooling tower blow down, compressor condensate, compressor foundation storm water, and storm water scupper drainage from onsite buildings and the vehicle maintenance and fueling area. All contact wastewater and storm water is collected and routed to an oil/water separator for pretreatment. Oil free wastewater is then routed to a concrete lined sedimentation holding basin for a typical resting period of 7 to 21 days before being sent to the ponds for final discharge to ground water. All non-contact wastewater and condensate are sent to the sedimentation holding basin prior to release to the ponds. No other treatment is provided.

9. Wastewater discharge from the ponds is contributing to concentrations of sodium, chloride, sulfate, and TDS in the ground water. In addition, sodium, chloride, sulfate and TDS are naturally elevated in the ground water because the facility is located within the flood plain of the adjacent Class II marine surface waters and it is

surrounded on three sides by brackish salt water marsh. The ambient brackish and marine surface water concentrations for sodium and chloride range from 7,000 mg/L to 10,500 mg/L and 12,800 mg/L to 19,500 mg/L, respectively. The sulfate and TDS concentrations range from 137 mg/L to 2,960 mg/L and 1,320 mg/L to 39,600 mg/L, respectively. There are no Class II marine surface water standards for sodium, chloride, sulfate, or TDS.

10. Hydrologic conditions at the facility are complex and variable due to it being located in the coastal marine flood plain of the Class II marine surface waters to the east and the mainland to the west. The regional ground water gradient and flow direction in the vicinity of the facility is from west to east. The site specific ground water flow direction is predominately to the east, but can vary from northeast to southeast. This variation in the ground water flow pattern is predominately due to the daily tidal changes and tidal storm surges of the Class II marine surface waters immediately to the east of the facility. In addition, ground water is impacted by seasonal rainfall, nearby storm water drainage ditches and coastal saline creeks.

11. Alternate ground water compliance levels for sodium, chloride, sulfate and TDS are proposed pursuant to rule 62-520.500(1), F.A.C. The proposed alternate concentrations are as follows: sodium - 600 mg/L, chloride – 600 mg/L, sulfate – 1,110 mg/L, and TDS – 2,800 mg/L.

FINDINGS AND CONCLUSIONS

12. The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.). The project is not exempt from these permitting procedures. The Department has determined that a wastewater permit is required for the Mims facility.

13. The Mims facility is authorized to treat and discharge industrial wastewater to ground water under IWW Permit Number 05-FLA103641, which expires on September 13, 2016. On February 22, 2016, the Department received an application from Praxair for renewal of IWW Permit Number 05-FLA103641. Renewal of the exemption from the Class G-II ground water standards for sodium, chloride, sulfate, and TDS, if granted by the Department, will be incorporated into IWW renewal Permit Number 05-FLA103641 upon issuance by the Department and approved for the duration of said permit. The exemption is applicable only to the ground water elements of IWW Permit Number 05-FLA103641. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state nor will it alter any permit conditions related to surface waters.

14. The Department has reviewed the above petition for an exemption under the requirements of Rule 62-520.500, F.A.C., and hereby gives notice of its intent to grant the exemption renewal for the Praxair Mims Facility based on the following findings:

(a) Rule 62-520.500(1), F.A.C.: Granting the exemption is clearly in the public interest.

Granting the exemption is clearly in the public interest. Praxair is a private company that provides local jobs to the community and produces cryogenic liquefied compressed gases for the space industry and other businesses throughout east-central Florida. Enforcement of the ground water standards would require Praxair to incur significant treatment and remediation costs and these costs would be passed on to its customers. This investment would not deliver any meaningful benefit because the

background concentrations for these constituents are already naturally elevated and any increase in the quality of the treated wastewater discharge to groundwater at the ponds would have no measurable impact on concentrations of these constituents in the off-site groundwater.

(b) Rule 62-520.500(2), F.A.C.: Compliance with such criteria is unnecessary for the protection of present and future potable water supplies.

Compliance with the ground water standards for sodium, chloride, sulfate, and TDS as set forth in Rule 62-520.420(1), F.A.C., is unnecessary for the protection of present and future potable water supplies. The St. Johns River Water Management District Water Supply Plan - 2005, Amended 2009, indicates no future planned utilization of the surficial ground water resource in the vicinity of the facility. A well survey was performed by the applicant within a one-half mile radius of the facility and no public water supply wells or private wells were identified. The nearest public water supply well is located approximately 1 mile to the west and upgradient of the facility. Ground water studies performed at the facility indicate that sodium, chloride, sulfate and TDS are naturally elevated in this area and the facility contribution to ground water is not affecting groundwater off-site. Any ground water withdrawal for potable use at or near the facility would already require treatment due to the natural water quality of the aquifer in this area. All potable water at the facility is provided by municipal public water supply.

(c) Rule 62-520.500(3), F.A.C: Granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous waters.

Granting an exemption from the Class G-II standards will not interfere with

existing uses or the designated uses of the waters or contiguous waters. Ground water at the facility is not used for potable purposes. There are no potable water wells within a one-half-mile radius of the facility and the St. Johns River Water Management District Water Supply Plan indicates no future planned use of the ground water resources in the vicinity of the facility. There are no fresh water surface waters in the area. Ground water flow at the facility discharges east to the coastal marshes and marine surface waters. Sodium, chloride, sulfate and TDS concentrations in the marine environment are many times higher than in the water that is discharged to ground water at the ponds. The alternate compliance levels will have no adverse impacts on ground water or the marine surface waters that support recreation or a healthy, well-balanced fish and wildlife population.

(d) Rule 62-520.500(4), F.A.C.: The economic, environmental, and social costs of compliance with the criteria outweigh the economic, environmental, and social benefits of compliance.

Compliance with the Class G-II standards outweighs the economic, environmental, and social benefits of compliance. Compliance with the ground water standards would require construction of an appropriate microfiltration or reverse osmosis treatment system. These treatment systems cost millions of dollars to design, construct, operate, and maintain. In addition, disposal of brine water that is generated by such treatment systems would have possible environment impacts, and the costs of brine disposal might be passed on to Praxair customers.

(e) Rule 62-520.500(5), F.A.C.: An adequate monitoring program approved by the Department has been established to ascertain the location and approximate

dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect of underground geologic formations or waters.

A ground water monitoring program has been approved by the Department and is being implemented by Mims as required in the IWW Permit Number 05-FLA103641 to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect on underground geologic formations or waters. The approved monitoring program design meets the requirements for a ground water quality exemption. The Mims facility will continue to implement the approved ground water monitoring program and as required in any renewal of IWW Permit Number 05-FLA103641.

(f) Rule 62-520.500(6), F.A.C.: The requested exemption will not present a danger to the public health, safety, or welfare.

Granting the exemption will have no adverse effects upon public health, safety, or welfare. There are no public or private water wells located within a one-half-mile radius of the facility and there are no plans for future potable water supply development in the area. The receiving brackish and marine surface waters will not be affected by this discharge.

15. The Department will grant this exemption subject to the following conditions:

(a) Renewal of the exemption is being granted based on the Department's determination that the permittee's industrial wastewater discharge will not present a

danger to the public health, safety or welfare and will have no environmental, social or economic effect.

(b) The exemption and alternate criteria will be incorporated into IWW renewal Permit Number 05-FLA103641 upon Department issuance, and approved for the duration of said permit. Under the conditions of this exemption, the maximum ground water quality concentrations shall be limited as follows: sodium - 600 mg/L, chloride – 600 mg/L, sulfate – 1,110 mg/L, and TDS – 2,800 mg/L. A petition for any future renewal of this exemption must be submitted by the applicant in conjunction with any future renewal of IWW Permit Number 05-FLA103641.

(c) The exemption provides relief only from the primary drinking water standards for sodium contained in Rule 62-550.310, F.A.C, and for the secondary drinking water standards for chloride, sulfate, and TDS contained in Rule 62-550.320, F.A.C., as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to the Mims facility.

d) The permittee shall monitor water quality in accordance with the specific conditions of IWW Permit Number 05-FLA103641 and any future permit renewals.

Pursuant to section 403.815, F.S., and Department Rule 62-110.106(7), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Grant a Water Quality Criteria Exemption. The notice shall be published one time only within 30 days from receipt in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting

the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide an original of the proof of publication to Mr. David C. James, PG, Florida Department of Environmental Protection, Ground Water Regulatory Section, 2600 Blair Stone Road, Mail Station 3580, Tallahassee, Florida 32399-2400, and a copy to Ms. Mary Ann Kraus, PG, Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando Florida 32803, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in denial of the exemption.

The Department will issue this exemption with the conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any person entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice.

Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the public notice or receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S.,

however, any person who asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573, F.S., is not available for this proceeding.

A party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing

fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ENTERED this 8th day of June 2016, in Tallahassee, Florida.



John Coates, Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies furnished to:

Betsy Hewitt FDEP Tallahassee
Marc Harris FDEP Tallahassee
Mary Kraus FDEP Central District

Enclosure: Public Notice

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT A WATER QUALITY
CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for sodium, chloride, sulfate, and total dissolved solids (TDS) pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit Number 05-FLA103641 to the Praxair Inc. (Praxair), Mims Facility located in Brevard County at 2801 Hammock Road, Mims, Florida, 32754. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water.

On February 22, 2016, the Department received an application from Praxair for renewal of IWW Permit Number 05-FLA103641. The exemption will be incorporated into IWW renewal Permit Number 05-FLA103641 upon Department issuance and approved for the duration of said permit. A petition for any future renewal of this exemption must be submitted by the applicant in conjunction with renewal of IWW Permit Number 05-FLA103641.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes (F.S). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Mr. Dominic Cianchetti, Corporate Vice President, Praxair, Inc., 2801 Hammock Road, Mims, Florida, 32754 at

the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

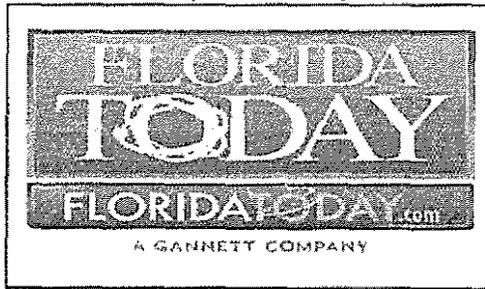
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at 850/245-8648.

A Daily Publication By:



Facility Manager Benjamin Vasquez
VALLURI/PRAXAIR INC.
PRAXZIR INC.
2801 HAMMOCK ROAD
MIMS FL 06810

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared Kim Curro, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Bids and Proposals

as published in FLORIDA TODAY in the issue(s) of:

06/23/16

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 23th of June 2016, by Kim Curro who is personally known to me

Ruby Royer
Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$439.98

Ad No: 0001373229

Customer No: 2814781564VALL



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

AD#1373229 6/23/16
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT A WATER QUALITY CRITERIA EXEMPTION
The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for sodium, chloride, sulfate, and total dissolved solids (TDS) pursuant to Rule 62-520.550, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit Number 05-FLA103641 to the Praxair Inc. (Praxair), Mims Facility located in Brevard County at 2801 Hammock Road, Mims, Florida, 32754. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. On February 22, 2016, the Department received an application from Praxair for renewal of IWW Permit Number 05-FLA103641. The exemption will be incorporated into IWW renewal Permit Number 05-FLA103641 upon Department issuance and approved for the duration of said permit. A petition for any future renewal of this exemption must be submitted by the applicant in conjunction with renewal of IWW Permit Number 05-FLA103641. A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding under sections 120.569 and 120.577, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 4905 Commonwealth Boulevard, Mail Station 25, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Mr. Dominic Casanova, Corporate Vice President, Praxair, Inc., 2801 Hammock Road, Mims, Florida, 32754 at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.577, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.301, F.A.C.:
(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact; if there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;
(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action. A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available for this proceeding. The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 2325, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at 850/244-8648.

Exhibit III

Miscellaneous
Public Noticed in FAR June 10, 2016
Notice ID: 17634520

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Resource Management

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT A WATER QUALITY
CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for sodium, chloride, sulfate, and total dissolved solids (TDS) pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit Number 05-FLA103641 to the Praxair Inc. (Praxair), Mims Facility located in Brevard County at 2801 Hammock Road, Mims, Florida, 32754. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water.

On February 22, 2016, the Department received an application from Praxair for renewal of IWW Permit Number 05-FLA103641. The exemption will be incorporated into IWW renewal Permit Number 05-FLA103641 upon Department issuance and approved for the duration of said permit. A petition for any future renewal of this exemption must be submitted by the applicant in conjunction with renewal of IWW Permit Number 05-FLA103641.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes (F.S). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Mr. Dominic Cianchetti, Corporate Vice President, Praxair, Inc., 2801 Hammock Road, Mims, Florida, 32754 at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact; if there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Exhibit III

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at (850)245-8648.