

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a Class G-II Ground Water
Quality Criteria Exemption
Tampa Electric Company
Bayside Power Station.
Tampa, Florida

OGC File No. 16-0329
Hillsborough 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 pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Tampa Electric Company (TEC) Bayside Power Station (Bayside), Tampa, Hillsborough County, Florida, as set forth below.

BACKGROUND

1. On June 3, 2016, the Department received a petition from TEC for renewal of a water quality criteria exemption associated with permitted wastewater discharge to Class G-II groundwater pursuant to Rule 62-520.500, F.A.C. The petition relates to the TEC Bayside facility located in Hillsborough County at 3602 Port Sutton Road, Tampa, Florida 33619. TEC has owned and operated a power station at this site since 1957.

2. The Petitioner seeks renewal of an exemption from the Class G-II groundwater standard for sodium set forth in Rule 62-520.420(1), F.A.C., that the Department issued to the Petitioner on March 8, 2006, OGC File No. 05-1843 and renewed on June 20, 2011. The Class G-II groundwater standard for sodium is 160

mg/L, and is a health-based primary drinking water standard pursuant to Rule 62-550.310, F.A.C.

3. The Bayside facility is authorized to treat and discharge industrial wastewater (IWW) to groundwater under IWW Permit Number FLA184713. Groundwater is monitored in accordance with the approved facility groundwater monitoring plan as required by the Bayside facility IWW Permit Number FLA184713.

FINDINGS AND CONCLUSIONS

4. The Department reviewed the TEC petition for a water quality criteria exemption for the Bayside 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.

5. On November 15, 2016, the Department issued an Intent to Grant a water quality criteria exemption for sodium for the Bayside facility under Rule 62-520.500(2), F.A.C. A copy of the Intent to Grant is attached as Exhibit I.

6. On November 17, 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, Florida Statute (F.S.).

7. 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 November 20, 2016, in the Tampa Bay Times, a daily newspaper published in Hillsborough County, Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication is attached as Exhibit II.

8. The Department published notice of the Intent to Grant on November 18, 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.

9. 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 TEC petition for an exemption from the Class G-II groundwater standard for sodium set forth in Rule 62-520.420(1), 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 the current Bayside IWW Permit Number FLA184713, which expires on April 27, 2021, and approved for the duration of said permit. Under the conditions of this exemption, the maximum alternate groundwater concentration for sodium shall be limited to 2,500 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 FLA184713.

(c) The exemption provides relief only from the Class G-II groundwater standard for sodium set forth in Rule 62-520.420(1), F.A.C. All other groundwater

standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to the Bayside facility.

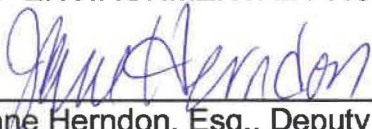
(d) The permittee shall monitor water quality in accordance with the specific conditions of the Bayside IWW Permit Number FLA184713.

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.

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DONE AND ORDERED this 13 day of December 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

12-13-16
DATE

Copies furnished to:

Cindy Zhang-Torres, P.E., FDEP Tampa
Betsy Hewitt FDEP Tallahassee
Marc Harris FDEP Tallahassee

Exhibit I

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for Class G-II Groundwater
Quality Criteria Exemption
Tampa Electric Company
Bayside Power Station
Tampa, Florida

OGC File No. 16-0329
Hillsborough County

INTENT TO GRANT A 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 Tampa Electric Company (TEC or Petitioner), Bayside Power Station (Bayside), Tampa, Florida, Hillsborough County, as detailed in the petition specified above. The Department is issuing this Intent for the reasons stated below.

BACKGROUND

1. On June 3, 2016, the Department received a petition from TEC for renewal of a water quality criteria exemption associated with permitted wastewater discharge to Class G-II groundwater pursuant to Rule 62-520.500, F.A.C. The petition relates to the TEC Bayside facility located in Hillsborough County at 3602 Port Sutton Road, Tampa, Florida 33619. TEC has owned and operated a power station at this site since 1957.

2. Petitioner seeks renewal of an exemption from the Class G-II groundwater standard for sodium set forth in Rule 62-520.420(1), Florida Administrative Code (F.A.C.), that the Department issued to the Petitioner on March 8, 2006, OGC File No. 05-1843 and renewed on June 20, 2011. The Class G-II groundwater standard for

sodium is 160 mg/L, and is a health-based primary drinking water standard pursuant to Rule 62-550.310, F.A.C.

3. Bayside is a natural gas-fueled steam electric generating station that operates seven combustion turbines, seven heat recovery steam generators and two steam turbines. Bayside has a generating capacity of 1,845 megawatts of electricity.

4. The Bayside property is situated on 157 acres of land located on the eastern coastline of Hillsborough Bay. Bayside is bordered on the west by Class III marine surface waters and coastal wetlands, to the north by CSX Transportation and the Atlantic Land Improvement Company, to the east by the Madison Industrial Park Property Owners Association, Inc., and to the south by the Tampa Port Authority and the Kinder Morgan Operation shipping terminal. Bayside and the surrounding properties are zoned for commercial and industrial use.

5. Bayside was constructed between 2000 and 2004 as a replacement for the former coal fired F.J. Gannon Power Station (Gannon). The former Gannon station was built on Black Point, a partially dredge-filled peninsula located on the eastern shore of Hillsborough Bay. Dredge and fill activities were completed in several stages between 1935 through 1961. All land west of the original shoreline was formed with dredge spoil and fill material. Additional wetlands and lowlands to the north, south and east of Bayside have also been extensively filled. Dredge and fill activities were performed to build up the land to support the power station infrastructure and for ingress and egress access.

6. Industrial wastewater and contact storm water generated at Bayside is routed to the facility's Industrial Wastewater Recycle Ponds (ponds) consisting of 4

(four) evaporation/percolation ponds linked in series. These ponds are regulated under Department Industrial Wastewater (IWW) Permit No. FLA184713. The ponds serve a dual purpose. The ponds are unlined and discharge treated industrial wastewater to groundwater of the surficial aquifer. Additionally, the pond system is designed to recycle pond water for re-use in plant processes, reducing the need for additional make-up water. When necessary, excess pond water is discharged through an NPDES internal outfall, Permit No. FL0000809. The pond system has a design capacity to store wastewater and contact storm water resulting from a 25-year 24-hour storm event.

7. Sources of wastewater and contact storm water include floor and equipment wash down water, demineralizer and condensate polisher regenerate wastes, reverse osmosis concentrate, boiler water blow down, cooling tower water blow down, evaporative coolers water blow down, treated sanitary wastewater, and intermittent discharges of chemical or metal cleaning process water. Non-contact storm water is routed to the Storm Water Treatment Facility permitted under Department Environmental Resource Permit No. 29-0180680.

8. According to Petitioner, wastewater discharge from the ponds contributes to elevated levels of sodium in the groundwater. Petitioner also asserts that sodium is naturally elevated in the on-site groundwater because of the daily tidal changes of the adjacent Class III marine surface waters of Hillsborough Bay, saltwater intrusion from storm tidal surges and flooding, and marine aerosols.

9. According to Petitioner, historically, the major sources of sodium in Bayside's wastewater was from sodium hydroxide (NaOH – caustic soda) and sodium hypochlorite (NaOCl - bleach) used to control cooling tower and boiler bacterial growth

and scale and to adjust wastewater pH. In addition, the old coal ash pile and other coal combustion by-products from the former Gannon facility were also a source of sodium that leached to groundwater. The new repowered Bayside gas fired turbines eliminate all coal ash and other coal combustion by-products, and according to Petitioner, require much less water for steam generation than the former coal-fired units at the facility. Petitioner also states that concentrations of sodium in pond water have dropped from a high of 1600 mg/L in 2006 to approximately 300 mg/L in 2015, due to the reduction or elimination of sodium-based chemicals at Bayside. According to Petitioner, sodium levels in groundwater have also been steadily trending downward, again due to the reduction or elimination of sodium-based chemicals and the termination of coal combustion at Bayside.

10. According to Petitioner, the groundwater flow direction, velocity and potentiometric surface levels are heavily influenced by the Hillsborough Bay, daily marine tidal changes, tidal storm surges and surrounding coastal wetlands. Groundwater at Bayside generally flows from northeast to the southwest and ultimately flows to the surrounding saltwater marshes and the surface waters of Hillsborough Bay. The water table or surficial aquifer level is at or near land surface to approximately 5 feet below land surface.

11. According to Petitioner, current sodium levels in the groundwater around the ponds range from below the groundwater standard of 160 mg/L to approximately 1,300 mg/L. Groundwater sodium concentrations increase from east (upgradient) to west toward Hillsborough Bay. According to Petitioner, sodium groundwater levels have trended downward from approximately 3,000 mg/L in 1999 to approximately 1,300 mg/L

in 2016. The ambient sodium concentrations in the brackish and Class III marine surface waters of Hillsborough Bay range from 7,000 mg/L to 10,800 mg/L. There is no sodium standard for Class III marine surface waters.

12. Pursuant to Rule 62-520.500(1), F.A.C., the Petitioner is required to provide alternative compliance levels for the parameters from which an exemption is being sought. The Petitioner requests an alternate sodium compliance level of 2,500 mg/L. The alternate sodium compliance level, if approved, is subject to Department review upon renewal of the Bayside IWW Permit Number FLA184713 and any future exemption renewal.

FINDINGS AND CONCLUSIONS

13. The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.). The Bayside facility is not exempt from these permitting procedures. The Department has determined that an industrial wastewater permit is required for the Bayside facility.

14. Bayside is authorized to treat and discharge industrial wastewater to groundwater under IWW Permit Number FLA184713, which expires on April 27, 2021. Renewal of the exemption for sodium from the Class G-II groundwater standards, if granted by the Department, will be incorporated into IWW Permit Number FLA184713 by revision and approved for the duration of said permit. The exemption is applicable only to the groundwater elements of IWW Permit Number FLA184713. 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 water.

15. 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 to Bayside 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. Bayside is owned by a private utility (TEC), and it provides electrical power and related services to Florida businesses and residences, which is an essential amenity for public health, safety and welfare. Enforcement of the ground water standard for sodium along the Hillsborough Bay coastline would require Petitioner to incur significant treatment and potential remediation costs of millions of dollars and these costs likely would be passed on to its customers. This investment would not deliver any meaningful benefit because the background levels of sodium in the groundwater is naturally elevated due to the surrounding marine environment. Investment in additional treatment technologies to increase the quality of the treated wastewater discharged to groundwater at the ponds would have no measurable impact on concentrations of sodium in the adjacent marine surface waters or 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 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 2015 Southwest Florida Water Management District Regional Water Supply Plan indicates no future planned utilization of the ground water resource

in the vicinity of Bayside. The surficial aquifer at Bayside is not capable of providing a sustained groundwater yield and concentrations of sodium in the groundwater are naturally elevated due to the surrounding marine environment. Additionally, the Floridan aquifer at Bayside is not a viable source of groundwater because of its close proximity to Hillsborough Bay and the high potential for saltwater intrusion. Groundwater studies performed at Bayside indicate that sodium is naturally elevated in this area and that facility operations do not affect groundwater off-site. Any groundwater withdrawal for potable use at or near the facility would require treatment prior to use. A well survey was performed by the Petitioner within a one-mile radius of Bayside and no public or private water supply wells were identified. The nearest public water supply well is located approximately 15 miles to the east and upgradient of the facility. All potable water at Bayside 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 water.

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. Groundwater at Bayside is not suitable for potable use. There are no potable water wells within a one-mile radius of Bayside and the Southwest Florida Water Management District Water Supply Plan indicates no future planned use of the groundwater resources in the vicinity of Bayside. There are no fresh water surface waters in the area. Groundwater flow at Bayside discharges west to the coastal marine saltwater marshes and Hillsborough Bay. Sodium levels in the natural marine environment are more than 10 times higher than the sodium levels in the wastewater that is discharged to ground

water. The alternate compliance level for sodium proposed by Petitioner 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.

The costs associated with compliance with the Class G-II groundwater standard for sodium outweigh the economic, environmental, and social benefits of compliance. Compliance with the ground water standards would require design, construction, operation and maintenance of an appropriate microfiltration or reverse osmosis treatment system. Based on other reverse osmosis projects in Florida, these treatment systems can cost millions of dollars to design, construct, operate, and maintain. In addition, brine water that is generated by such treatment systems would have possible environmental impacts and additional costs for proper disposal. These costs negatively impact Bayside's ability to provide the most cost effective and reliable supply of electricity and would create an additional financial burden to Bayside's 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 Bayside as required under IWW Permit Number FLA184713 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. Bayside will continue to implement the approved ground water monitoring program and as required in any renewal of IWW Permit Number FLA184713.

(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-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.

16. 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 the current Bayside IWW Permit Number FLA184713, which expires on April 27, 2021, and approved for the duration of said permit. Under the conditions of this exemption, the maximum alternate ground water concentrations for sodium shall be limited to 2,500

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 FLA184713.

(c) The exemption provides relief only from the primary drinking water standard for sodium (standard is 160 mg/L) contained in Rule 62-550.310, F.A.C., as referenced in Rule 62-520.420, F.A.C. All other groundwater standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to Bayside.

d) The permittee shall monitor water quality in accordance with the specific conditions of the Bayside IWW Permit Number FLA184713.

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 3520, Tallahassee, Florida 32399-2400, and a copy to Ms. Cindy Zhang-Torres, P.E., Florida Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637 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

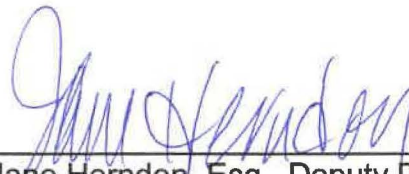
action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 ORDERED this 15 day of November 2016, in Tallahassee, Florida.

A handwritten signature in blue ink, appearing to read "Jane Herndon", is written over a horizontal line.

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

Copies furnished to:

Cindy Zhang-Torres, P.E., FDEP Tampa
Betsy Hewitt FDEP Tallahassee
Marc Harris FDEP Tallahassee

Enclosure: Public Notice

389829

Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared **Jean Mitotes** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: FL0000809-013-IWB** was published in **Tampa Bay Times: 11/20/16** in said newspaper in the issues of **Baylink Hillsborough**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as a second class mail matter at the post office in said Hillsborough 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/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper


Signature of Affiant

Sworn to and subscribed before me this 11/20/2016.


Signature of Notary Public

Personally known ☒ or produced identification

Type of identification produced _____



SARAH POTTS
MY COMMISSION # FF 160101
EXPIRES: September 16, 2018
Bonded Thru Budget Notary Services

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 groundwater standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater (IWW) Permit Number FLA184713 to the Tampa Electric Company (TEC), Bayside Power Station located in Hillsborough County at 3602 Port Sutton Road, Tampa, Florida 33619. The exemption is for the permitted discharge of treated industrial wastewater to Class G II groundwater.

On June 3, 2016, the Department received an application from TEC for renewal of IWW Permit Number FLA184713. The exemption will be incorporated into IWW Permit Number FLA184713, which expires on April 27, 2021, 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 FLA184713.

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. Stanley Kroh, Manager, Land and Water Programs, Tampa Electric Company, Post Office Box 111, Tampa, Florida, 33601-0111 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.

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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;
- A statement of when and how the petitioner received notice of the agency decision;
- A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;
- 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
- 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, Tallahassee, Florida 32399 2400; telephone Mr. David James, P.G., at 850/245-8648.

11/20/16

389829

Exhibit III

Miscellaneous
Notice ID: 18280637
Published 11/18/16

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 groundwater standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater (IWW) Permit Number FLA184713 to the Tampa Electric Company (TEC), Bayside Power Station located in Hillsborough County at 3602 Port Sutton Road, Tampa, Florida 33619. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II groundwater.

On June 3, 2016, the Department received an application from TEC for renewal of IWW Permit Number FLA184713. The exemption will be incorporated into IWW Permit Number FLA184713, which expires on April 27, 2021, 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 FLA184713.

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. Stanley Kroh, Manager, Land and Water Programs, Tampa Electric Company, Post Office Box 111, Tampa, Florida, 33601-0111 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, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at (850)245-8648.