

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a G-II Ground Water
Quality Criteria Exemption
JEA Northside Generating Station
Jacksonville, Florida

OGC File No. 19-1859
Duval County

**FINAL ORDER GRANTING PETITION FOR GROUND WATER
QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection (“Department”) hereby issues a Final Order granting the Petitioner’s, JEA Northside Generating Station (NGS), petition for a ground water quality criteria exemption for sodium, pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as set forth below.

BACKGROUND AND FINDING OF FACTS

1. On December 20, 2019, Petitioner filed with the Department a Petition for Renewal of Exemption pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.) for the renewal of ground water quality criteria exemptions (exemption). The Petitioner is requesting the establishment of alternative compliance levels for the primary drinking water standard for sodium at the JEA Northside Generating Station (“Facility”) located in Duval County. The groundwater exemptions are associated with Petitioner’s discharge of Class III marine waters and permitted industrial wastewater discharge to Class G-II groundwater through an onsite percolation pond system at the Facility.

2. The applicable groundwater quality standards for Class G-II groundwater are established, in part, in Rule 62-520.420(1), F.A.C. In addition to the minimum criteria in Rule 62-520.400, F.A.C., the primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act,

which are listed in Rules 62-550.310, and 62-550.320, F.A.C., apply to Class G-II ground water.

3. As provided for under the applicable rule, Petitioner has proposed the following alternative compliance level for sodium from which an exemption is being sought: 3,000 mg/L (milligrams per liter) for compliance wells MWC-22, MWC-32, MWC33, CW-10I, DW-20I, and CW-33I. The remaining wells (MWC-27 and MWB-34) will retain the current compliance limit for the primary groundwater standard for sodium of 160 mg/L.

4. The Department has reviewed the JEA NGS petition for a water quality criteria exemption received on December 20, 2019, and determined that the petitioner has met the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1) through (6), F.A.C.

5. On January 7, 2021, the Department issued an Intent to Grant a groundwater quality criteria exemption to the JEA for sodium under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I. The executed Notice of Intent to Grant notified the petitioner of the Department's proposed agency action and advised it of the right to a hearing pursuant to Sections 120.569 and 120.57, F.S.

6. As required by the Intent to Grant, pursuant to Section 403.815, F.S., and Rule 62-110.106(7), F.A.C., the petitioner published notice on January 22, 2021, in the *Jacksonville Daily Record*, a daily newspaper published in Duval County, Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication is attached as Exhibit II.

7. The Department published notice of the Intent to Grant on February 26, 2021, 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.

8. 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 JEA petition for an exemption from the drinking water standard for sodium set forth in Rule 62-550.320, F. A. C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) The ground water quality exemption is being granted in part based on the Department's understanding that the petitioner's NGS will not present a danger to the public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

(b) The exemption is granted for the duration of JEA NGS industrial wastewater Permit No. FL0001031. Any future exemptions must be petitioned for by the applicant in conjunction with any future renewal of industrial wastewater Permit No. FL0001031. The exemption extends only to ground water elements of the NGS industrial wastewater Permit No. FL0001031. 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.


(c) The exemption provides relief only from the sodium standard contained in Rule 62-550.320, F.A.C., as referenced in Rule 62-520.420, F. A.C. JEA NGS shall not

exceed the alternative compliance level of 3,000 mg/L for sodium for compliance wells MWC-22, MWC-32, MWC33, CW-10I, DW-20I, and CW-33I. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F. A. C., apply to this project.

(d) The permittee shall monitor water quality in accordance with the specific conditions of the JEA NGS industrial wastewater Permit No. FL0001031 and the approved ground water monitor plan.

DONE AND ORDERED ON this the 3rd day of May, 2021, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Benjamin M. Melnick
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.

Lisa Williams
Deputy Clerk

May 3, 2021

Copies furnished to:
Doug Beason, Esq., FDEP, Office of General Counsel
Thomas Kallemeyn, FDEP, Northeast District

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a G-II Ground Water
Quality Criteria Exemption
JEA Northside Generating Station
Jacksonville, Florida

OGC File No. 19-1859
Duval County

**INTENT TO GRANT A GROUNDWATER
QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection (“Department”) gives notice of its intent to grant a water quality exemption for sodium, pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the JEA Northside Generating Station, 4377 Heckscher Drive, Jacksonville, Florida, Duval County, as detailed in the petition. The Department is issuing this Intent to Grant for the reasons stated below.

BACKGROUND AND FINDING OF FACTS

1. On December 20, 2019, Petitioner filed with the Department a Petition for Renewal of Exemption pursuant to Rule 62-520.500, F.A.C., for the renewal of groundwater quality criteria exemptions (exemption). The Petitioner is requesting the establishment of alternative compliance levels for the primary drinking water standard for sodium at the JEA Northside Generating Station (“Facility”) located in Duval County. The groundwater exemptions are associated with Petitioner’s discharge to Class III marine waters and permitted industrial wastewater discharge to Class G-II groundwater through an onsite percolation pond system at the Facility.

2. The applicable groundwater quality standards for Class G-II groundwater are established, in part, in Rule 62-520.420(1), F.A.C. In addition to the minimum criteria in Rule 62-520.400, F.A.C., the primary and secondary drinking water quality standards

for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310, and 62-550.320, F.A.C., apply to Class G-II ground water. The primary groundwater standard for sodium is 160 mg/L.

3. As provided for under the applicable rule, Petitioner has proposed the following alternative compliance level for sodium: 3,000 mg/L (milligrams per liter) for compliance wells MWC-22, MWC-32, MWC33, CW-10I, DW-20I, and CW-33I. The remaining wells (MWC-27 and MWB-34) will retain the current compliance limit for the primary groundwater standard for sodium of 160 mg/L.

4. The Facility is located adjacent to the north shore of the St. Johns River, a Class III marine surface water and tidally influenced environment. The 400-acre site is bordered to the north by the former St. Johns River Power Park, to the south by the back channel of the St Johns River, to the west by the San Carlos Creek, and to the east by coastal wetlands and saltwater tidal marshes.

5. The Petitioner is authorized to treat and discharge industrial wastewater to surface water and groundwater under operating Permit Number FL0001031. Renewal of the groundwater standard exemption for sodium, if granted by the Department, will be incorporated into the industrial wastewater operating renewal Permit Number FL0001031 and approved for the duration of the permit. The exemption will not affect the NPDES permitted discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

6. The Department has reviewed the petition for an exemption pursuant to the requirements of Rule 62-520.500, F.A.C., and makes the following findings concerning compliance with applicable criteria:

(a) Rule 62-520.500(1)(a), F.A.C.: granting the exemption is clearly in the public interest because the Petitioner provides electrical power, which is an essential service to protect and preserve human health, safety and welfare. The Facility is adjacent to a tidal river and marsh system that is naturally high in sodium. Requiring compliance with the G-II groundwater standard for sodium would result in no discernable environmental, social, or economic benefits.

(b) Rule 62-520.500(1)(b), F.A.C.: compliance with such criteria is unnecessary for the protection of present and future potable water supplies. The Facility is adjacent to marine waters and marsh with natural sodium concentrations that exceed the levels of sodium associated with activities at the Facility. A small number of surficial aquifer wells are located on the west side of San Carlos Creek. These wells should not be impacted by sodium from the Facility since the direction of groundwater flow is easterly from the wells to the creek. In addition, the sodium released through the percolation ponds is lower in concentration than the surrounding waters. The Floridan aquifer is the main potable water source in the area. It is separated from the surficial aquifer by the intermediate confining unit consisting of approximately 400 ft. of silt, sand, and clay. The intermediate confining unit protects the Floridan aquifer from downward migration of fluids from the overlying surficial aquifer. Future potable supplies should not be impacted by the exemption since the City of Jacksonville's projected water demands do not indicate any future development of surface or groundwater withdrawals in the area around the Facility for potable supplies.

(c) Rule 62-520.500(1) (c), F.A.C.: granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water. The exemption

will not interfere with any existing or future potential drinking water sources. Additionally, sodium concentrations should not interfere with existing or designated uses of the surrounding surface waters. Sodium concentrations in these waters are already higher than those being discharged from the Facility through groundwater percolation ponds.

(d) Rule 62-520.500(1)(d), F.A.C.: compliance with the groundwater quality criteria standards would require significant economic, environmental, and social cost with minimal economic, environmental, and social benefits of compliance. The estimated cost to remove sodium from the influent to the percolation ponds is approximately \$44,000,000. Since the sodium concentrations from the Facility are not affecting potable water supplies or adjacent surface waters there is no benefit from requiring compliance with the groundwater standard.

(e) Rule 62-520.500(1)(e), F.A.C.: a groundwater monitoring program has been approved by the Department and is implemented under Permit Number FL0001031. The monitoring program is designed 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 monitoring program meets the requirements for monitoring under a water quality exemption. The Facility will continue to implement the approved groundwater monitoring program.

(f) Rule 62-520.500(1)(f), F.A.C.: Granting an exemption from the standard for sodium associated with permitted wastewater discharge to Class G-II groundwater will have no adverse effects upon public health, safety, or welfare.

IT IS THEREFORE ORDERED that Petitioner's petition for a water quality criteria exemption for the primary drinking water standard for sodium is **GRANTED**. The exemption is subject to the following conditions:

(i) No single value will exceed the alternative compliance levels for the parameters from which an exemption is being sought as a result of Facility operations: Sodium 3,000 mg/L (milligrams per liter) for compliance wells MWC-22, MWC-32, MWC33, CW-10I, DW-20I, and CW-33I .

(ii) Renewal of the groundwater exemption will be incorporated into the industrial wastewater operating renewal Permit Number FL0001031 and approved for the duration of the permit. The exemption only extends to the groundwater elements of the industrial wastewater operating permit Number FL0001031.

(iii) Any future exemptions must be petitioned for by the applicant in conjunction with any future renewal of industrial wastewater discharge Permit Number FL0001031.

NOTICE OF RIGHTS

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7), F.A.C., the applicant is required to publish at its own expense the enclosed Notice of Intent to Grant a Water Quality Exemption. The notice shall be published, one time only within 30 days from the date of issuance of this Notice of Intent, 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 James Cichon, PG, Florida Department of Environmental Protection, Source and Drinking Water,

2600 Blair Stone Road, Mail Station 3520, Tallahassee, Florida 32399-2400, and a copy to PWS@Floridadep.gov, 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 the exemption with the attached 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 exemption applicant or any of the parties listed below 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, any e-mail address, any facsimile number, and telephone number of the petitioner if the petitioner is not represented by an attorney or a qualified representative; 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's 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 agency 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 30 days after this order is filed with the clerk of the Department.

DONE AND ORDERED ON this the 7th day of January 2021, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Benjamin M. Melnick
Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

CERTIFICATE OF SERVICE


The undersigned duly designated deputy clerk hereby certifies that this Intent to Grant a Groundwater Quality Criteria Exemption was mailed electronically before the close of business on January 7, 2021, to Ed Cordova, JEA. This notice was also mailed electronically, on the same date to the following persons:

Copies furnished to:

Doug Beason, Esq., FDEP, Office of General Counsel
Thomas Kallemeyn, FDEP, Northeast District
Robert L Martin, FDEP, Northeast District
Jeff Martin, FDEP, Northeast District
Dung Vo, FDEP, Northeast District
Herndon Sims, FDEP, Northeast District
Tien-Shuenn Wu, FDEP, Division
Jamie Shakar, FDEP, Division
Cindy Fischler, FDEP, Division
James Cichon, FDEP, Division

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

Marjane
Taylor

 Digitally signed by Marjane
Taylor
Date: 2021.01.07 11:13:28
-05'00'

Deputy Clerk

January 7, 2021
Date

(Published daily except Saturday, Sunday and legal holidays)
Jacksonville, Duval County, Florida

STATE OF FLORIDA,

S.S.

COUNTY OF DUVAL,

Before the undersigned authority personally appeared Rhonda Fisher, who on oath says that she is the Publisher's Representative of JACKSONVILLE DAILY RECORD, a daily (except Saturday, Sunday and legal holidays) newspaper published at Jacksonville, in Duval County, Florida; that the attached copy of advertisement, being a State of Florida Department of Environmental Protection Notice of Intent to Grant Ground Water Quality Criteria Exemption

in the matter of Permit FL000131

in the Court of Duval County, Florida, was published in said newspaper in the issues of 1/22/21

Affiant further says that the said JACKSONVILLE DAILY RECORD is a newspaper at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, each day (except Saturday, Sunday and legal holidays) and has been entered as periodicals matter at the post office in Jacksonville, in said Duval County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has 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 said newspaper.

*This notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.



Rhonda Fisher

Sworn to and subscribed before me this 22nd day of January, 2021 A.D. by Rhonda Fisher who is personally known to me.

ANGELA CAMPBELL
Notary Public, State of Florida
My Comm. Expires 04/10/21
Commission No. GG81849


Notary Signature

**State of Florida
Department of
Environmental Protection
Notice of Intent to Grant
Ground Water Quality
Criteria Exemption**

The Department of Environmental Protection gives notice of its intent to renew an exemption from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit No. FLO001031 to JEA's Northside Generating Station (NGS) located at 4377 Heckscher Drive, Jacksonville, Florida, 32226, Duval County. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The ground water quality criteria exemption will be incorporated into the current NGS industrial wastewater Permit FLO001031 and is granted for the duration of said permit and for the subsequent renewal of Permit FLO00131. The applicant, in conjunction with industrial wastewater Permit FLO00131, must petition for any future exemptions.

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 be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing. Petitions filed by the exemption applicant or any of the parties listed below 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, any e-mail address, any facsimile number, and telephone number of the petitioner if the petitioner is not represented by an attorney or a qualified representative; 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's 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 agency 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.

The application may be obtained by contacting James Cichon at 850-245-8633 or james.cichon@FloridaDEP.gov.

Jan. 22 00 (21-00456D)

Robert L Martin, FDEP, Northeast District
Jeff Martin, FDEP, Northeast District
Dung Vo, FDEP, Northeast District
Herndon Sims, FDEP, Northeast District
Tien-Shuenn Wu, FDEP, Division
Jamie Shakar, FDEP, Division
Cindy Fischler, FDEP, Division
James Cichon, FDEP, Division
Ed Cordova, JEA
Mike Petrovich, HGSLAW

Exhibit I
Attached as pdf

Exhibit II
Attached as pdf

Exhibit III

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT

The Department of Environmental Protection gives notice of its intent to grant a ground water quality exemption pursuant to the provisions of Rule 62-520.500, F.A.C., to the JEA Northside Generating Station (NGS) (Petitioner) located adjacent to the north shore of the St. Johns River at 4377 Heckscher Drive, Jacksonville, Florida, 32226, Duval County. The file has been assigned OGC Case No.19-1859. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The ground water quality criteria exemption will be incorporated into the current NGS industrial wastewater Permit FL0001031 and is granted for the duration of said permit and for the subsequent renewal of Permit FL000131. The exemption will establish an alternative compliance level for sodium of 3,000 mg/L for compliance wells MWC-22, MWC-32, MWC-33, CW-10i, DW-20i, and CW-33i due to already existing high saline groundwater. The ground water quality exemption is being granted because the Petitioner has demonstrated compliance with the requirements of Rule 62-520.500(1)(a)-(f), F.A.C. The Department's file on this matter can be obtained by contacting James Cichon at 850-245-8633 or james.cichon@floridadep.gov.

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (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 are or 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 the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require 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 wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or via electronically at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.