CHAPTER 62-625
PRETREATMENT REQUIREMENTS FOR EXISTING AND NEW SOURCES OF POLLUTION

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62-625.100 Scope/Intent/Purpose.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10, Repealed 2-16-12.

62-625.110 Applicability.

(1) This chapter applies:

(a) To the discharge of pollutants from nondomestic sources covered by pretreatment standards which are discharged into, transported by truck or rail, or otherwise introduced into WWFs as defined in subsection 62-625.200(29), F.A.C.;

(b) To public utilities which receive wastewater from sources subject to pretreatment standards and that discharge to surface waters of the State, or public utilities required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C. or 40 CFR parts 146.15 and 146.16, as of July 1, 2009, hereby adopted and incorporated by reference; and

(c) To any new or existing source subject to pretreatment standards.

(2) This chapter does not apply to industrial wastewater facilities that accept wastewater from another facility for co-treatment, reuse or disposal, unless such facility discharges to a public utility.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10.

62-625.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below shall be taken from definitions in other rules of the Department, unless the context clearly indicates otherwise.

(1) “Bypass” means the intentional diversion of wastewater streams from any portion of an industrial user’s treatment facility.

(2) "Best Management Practices" or "BMPs" mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

(3) "Categorical Industrial User" means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.

(4) "Consistent Removal" means the average of the lowest 50 percent of the removal measured in accordance with subsection 62-625.420(2), F.A.C.

(5) "Control Authority" means any public utility that administers a pretreatment program that has been approved by the Department in accordance with the requirements of Rule 62-625.510, F.A.C. In cases where categorical or significant noncategorical industrial users discharge to domestic WWFs that are not included in an approved pretreatment program, the Department shall function as the control authority until an approved pretreatment program has been established by the public utility.

(6) "Discharge" means the introduction of pollutants into a WWF from any nondomestic source regulated under Chapter 403, F.S.

(7) "Grab Sample" means an individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

(8) "Industrial User" means a source of discharge.

(9) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and

(b) Is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the Department and Chapter 403, F.S.

(10) "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(11) "Maximum Allowable Industrial Loading" means the total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.

(12) "Method Detection Limit" or "MDL" means an estimate of the minimum amount of a substance that an analyte process can reliably detect. A MDL is analyte- and matrix-specific and is laboratory dependent.

(13) "New Source" means:

(a) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that

1. The building, structure, facility or installation is constructed at a site at which no other source is located,

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are

substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered;

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (a)2. or (a)3. above but otherwise alters, replaces, or adds to existing process or production equipment; or

(c) Construction of a new source, as defined in this chapter, has commenced if the owner or operator has

1. Begun, or caused to begin as part of a continuous on-site construction program

a. Any placement, assembly, or installation of facilities or equipment, or

b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this rule.

(14) “Non-significant categorical industrial user” means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

(a) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and

(c) Never discharges any untreated categorical process wastewater.

(15) “Pass Through” means a discharge which exits the WWF into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF’s permit (including an increase in the magnitude or duration of a violation).

(16) “Permit” means a permit issued to a WWF in accordance with Chapter 62-620, F.A.C.

(17) “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C.

(18) “Pretreatment Program” means a program administered by a public utility that meets the criteria established in Rule 62-625.500, F.A.C.

(19) “Pretreatment Requirement” means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(20) “Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the CWA or by the Department under Chapter 403, F.S., which applies to industrial users. This term includes prohibitive discharge limits established in Rule 62-625.400, F.A.C.

(21) “Public Utility” means any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.

(22) “Removal” means a reduction in the amount of a pollutant in the WWF’s effluent or alteration of the nature of a pollutant during treatment at the WWF. The reduction or alteration can be obtained by

physical, chemical or biological means and may be the result of specifically designed WWF capabilities or may be incidental to the operation of the treatment system. Removal as used in this chapter shall not mean dilution of a pollutant in the WWF.

(23) "Responsible Corporate Officer" means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager;

1. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;

2. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

3. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

(24) "Severe Property Damage" means substantial physical damage to property, damage to an industrial user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(25) "Significant Industrial User" means, except as provided in paragraphs (c) and (d) below, the following:

(a) Categorical Industrial Users; and

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.

(c) The control authority (except where the Department is acting as the control authority) may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.

(d) Upon a finding that an industrial user meeting the criteria in paragraph (b) above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

(26) "Slug Discharge" means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

(27) "Treatment Plant" means that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

(28) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

(29) "Wastewater Facility" or "WWF" means any facility which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility.

(30) "Water Management Division Director" means one of the Directors of the Water Management Divisions within the Regional offices of the EPA or this person's delegated representative.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10.

62-625.300 Local Law.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History–New 11-29-94, Repealed 11-26-15.

62-625.400 Pretreatment Standards: Prohibited Discharges.

(1) General prohibitions.

(a) An industrial user shall not introduce into a WWF any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in subsection (2) below apply to each industrial user introducing pollutants into a WWF whether or not the industrial user is subject to other pretreatment standards, or any national, State, or local pretreatment requirements.

(b) Affirmative Defenses. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a) above and the specific prohibitions in paragraphs (2)(c)-(g) below where the industrial user can demonstrate that:

1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2. Either of the following

a. A local limit designed to prevent pass through or interference was developed in accordance with subsection (3) below for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit directly prior to and during the pass through or interference, or

b. If a local limit designed to prevent pass through or interference has not been developed in accordance with subsection (3) below for the pollutants that caused the pass through or interference, and the industrial user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the industrial user's discharge activity when the WWF was regularly in compliance with the WWF's permit requirements and applicable requirements for domestic wastewater residuals.

(2) Specific prohibitions. The following pollutants shall not be introduced into a WWF:

(a) Pollutants which create a fire or explosion hazard in the WWF;

(b) Pollutants which will cause corrosive structural damage to the WWF, but in no case discharges with pH lower than 5.0, unless the WWF is specifically designed to accommodate such discharges;

(c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the WWF resulting in interference;

(d) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference with the WWF;

(e) Heat in amounts which will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge from the treatment plant having a temperature that exceeds 40º C (104º F) unless the Department, upon request of the control authority, approves alternate temperature limits in accordance with Rule 62-302.520, F.A.C.;

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will

cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that will cause acute worker health and safety problems; or

(h) Any trucked or hauled pollutants, except at discharge points designated by the control authority.

(3) Specific limits developed by the control authority.

(a) Each public utility required to have a pretreatment program in accordance with Rule 62-625.500, F.A.C., shall develop and enforce specific limits to implement the prohibitions listed in paragraph (1)(a) and subsection (2) above. Each public utility shall continue to develop these limits as necessary and effectively enforce such limits.

(b) All other public utilities shall develop and enforce specific effluent limits which, together with appropriate changes in the treatment plant or operation, are necessary to ensure compliance with the WWF's permit or domestic wastewater residuals use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(d) The control authority (except where the Department is acting as the control authority) may develop best management practices (BMPs) to implement paragraphs (a) and (b) above. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this chapter.

(4) Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a public utility in accordance with subsection (3) above, such limits shall be deemed pretreatment standards for the purposes of this chapter.

(5) State enforcement actions. If, within 30 days after notice of an interference or pass through violation has been sent by the Department to the control authority, and to persons or groups who have requested such notice from the Department, the control authority fails to commence appropriate enforcement action to correct the violation, the Department shall take appropriate enforcement action in accordance with Sections 403.121, 403.131 and 403.161, F.S.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10.

62-625.410 Pretreatment Standards: Categorical Standards.

(1) Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which have the potential to be discharged in accordance with 40 CFR Part 403.6, as of July 1, 2009, hereby adopted and incorporated by reference, to a WWF by existing or new industrial users, in specific industrial subcategories, are established as separate Federal regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471. These pretreatment standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this chapter.

(2) Category determination request.

(a) Request deadline. Within 60 days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included, the industrial user or control authority may request that the Department provide written certification on whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. A new source must request this certification prior to commencing discharge. Where a request for certification is submitted by a control authority, the control authority shall, at the same time, send a copy of the request to any affected industrial user. The industrial user may provide written comments on the control authority's request to the Department within 30 days of the date of the request.

(b) Contents of request. Each request shall contain a statement:

1. Describing which subcategories might be applicable; and

2. Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the request shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(c) Deficient requests. The Department shall only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Department that their request is deficient. If the deficiency is not corrected within 30 days of the date of the notification, the request for a determination shall be denied.

(d) Final decision.

1. Upon receipt of a complete request, the Department shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Department shall then make a written determination of the applicable subcategory and state the reasons for the determination.

2. The Department shall forward the determination to the EPA Water Management Division Director. The EPA Water Management Division Director may waive receipt of these determinations. If the EPA Water Management Division Director does not modify the Department's decision within 60 days after receipt thereof, or if the EPA Water Management Division Director waives receipt of the determination, the Department's decision is final.

3. Where the EPA Water Management Division Director elects to modify the Department's decision, the decision shall be forwarded to the Department. The Department shall adopt the modified decision as its final determination.

4. The Department shall send a copy of the final determination to the affected industrial user and the control authority.

(e) Requests for administrative hearing. Within 14 days following the date of receipt of the copy of the final determination as provided for by subparagraph (d)4. above, the industrial user or control authority may submit a petition for administrative hearing under Section 120.57, F.S., to reconsider or contest the decision.

(3) Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective in the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471, unless a shorter compliance time is specified as part of the categorical standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in subsection 62-625.200(13), F.A.C. New sources shall install and have in operating condition, and shall "start-up", all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within 90 days of initiating discharge, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits.

(a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in pretreatment standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the pretreatment standard, or as otherwise specified by

the pretreatment standard.

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(c) A control authority calculating equivalent mass-per-day limitations under paragraph (b) above, shall calculate such limitations by multiplying the limits in the pretreatment standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(d) A control authority calculating equivalent concentration limitations under paragraph (b) above, shall calculate such limitations by dividing the mass limitations derived under paragraph (c) above, by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during a representative year.

(e) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The control authority may convert to equivalent mass limits only if the industrial user meets all the following conditions:

1. Employs, or demonstrates that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

3. Provides sufficient information to establish the industrial user's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the industrial user's long-term average production rate, if applicable. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Does not have daily flow rates, production rates, or pollutant levels that vary more than 20 percent so that equivalent mass limits are not appropriate to control the discharge; and

5. Has consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(f) An industrial user subject to equivalent mass limits based on paragraph (e) above must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Record the facility's production rates and notify the control authority when the production rates are expected to vary more than 20 percent from its baseline production rates determined in subparagraph (e)3. above; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subparagraph (e)1. above.

(g) A control authority which chooses to establish equivalent mass limits:

1. Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Must reassess the equivalent mass limit and recalculate the limit, as necessary, to reflect changed conditions at the facility upon notification from the industrial user of a revised production rate; and

3. May retain the same equivalent mass limit in subsequent control mechanism terms if:

a. The industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies,

b. The actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (5) below, and

c. The industrial user is in compliance with Rule 62-625.860, F.A.C.

(h) The control authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(i) The control authority may convert the mass limits of the categorical pretreatment standards in 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions:

1. When converting such limits to concentration limits, the control authority must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455, and

2. Document that dilution is not being substituted for treatment as prohibited by subsection (5) below.

(j) Equivalent limitations calculated in accordance with paragraphs (c), (d), (e) and (i) above, are deemed pretreatment standards for the purposes of section 307(d) of CWA and this chapter. The control authority must document how the equivalent limits were derived and make this information available in the industrial user's file for public review. Once incorporated into its control mechanism, the industrial user must comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

(k) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.

(l) Any industrial user operating under a control mechanism, as described in subparagraph 62-625.500(2)(a)2., F.A.C., incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within 2 business days after the industrial user has a reasonable basis to know that the production level will change more than 20 percent within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(5) Dilution prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority shall impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements.

(6) Combined waste stream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or by the industrial user with the written concurrence of the control authority. When the Department is acting as the control authority, the Department shall allow the development of fixed alternative discharge limits when direct sampling of the regulated waste stream is not technically feasible. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority

until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within 30 days.

(a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of average daily flow for a 30-day period of production during a representative year. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant shall be derived by the use of either of the following formulas:

1. Alternative concentration limit.

$$C_T = \left(\frac{\sum_{i=1}^{N} C_i F_i}{\sum_{i=1}^{N} F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

2. Alternative mass limit.

$$M_T = \left(\sum_{i=1}^{N} M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^{N} F_i} \right)$$

3. The terms used in the equations in 1. and 2. above are defined as follows:

C_T = The alternative concentration limit for the combined waste stream.

C_i = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

M_T = The alternative mass limit for a pollutant in the combined waste stream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

Fi = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

FD = The average daily flow (at least a 30-day average) from waste streams identified in subsection (7), below.

Ft = The average daily flow (at least a 30-day average) through the combined treatment facility (includes Fi, Fd and unregulated streams).

N = The total number of regulated streams.

(b) Alternative limits below detection limit. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(c) Self-monitoring. Self-monitoring required to ensure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of Rule 62-625.600, F.A.C.

(d) Choice of monitoring location. Where a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the industrial user chooses to monitor the combined waste stream, it shall apply an alternative discharge limit calculated using the combined waste stream formula as provided in paragraph (a) above. The industrial user may change monitoring points only after receiving approval from the control authority. The control

authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

(7) For the purposes of the combined waste stream formula, dilute waste streams include:

(a) Boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; unless such streams contain a significant amount of a pollutant and are combined with the regulated process waste stream prior to treatment, and the treatment will result in a substantial reduction of that pollutant. The control authority shall determine whether such streams are classified as diluted or unregulated. The industrial user shall provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;

(b) Sanitary waste streams where such streams are not regulated by a categorical pretreatment standard;

(c) Any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:

1. The pollutants of concern are not detectable in the effluent from the industrial user;

2. The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

3. The pollutants of concern are present in amounts too small to be effectively reduced by known technologies; or

4. The waste stream contains only pollutants which are compatible with the WWF.

(d) Waste streams from the list of industrial user subcategories identified in subsection 62-625.880(1), F.A.C.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10.

62-625.420 Removal Credits.

(1) Introduction. Rule 62-625.420, F.A.C., does not apply where the Department is acting as the control authority.

(a) Any public utility receiving wastewater from a categorical industrial user may, at the control authority's discretion and subject to the conditions of this section, grant removal credits to reflect removal by the WWF of pollutants specified in the categorical pretreatment standard. The control authority may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user shall calculate its revised discharge limits in accordance with paragraph (c) below. Removal credits shall only be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard if the categorical pretreatment standard so specifies.

(b) Conditions for authorization to give removal credits. A control authority is authorized to give removal credits only if all of the following conditions are met:

1. The control authority requests, and receives authorization from the Department to give, a removal credit in accordance with the requirements and procedures specified in subsection (4) below.

2. Consistent removal determination. The WWF demonstrates and continues to achieve consistent removal of the pollutant in accordance with subsection (2) below.

3. Pretreatment program. The public utility has a pretreatment program approved by the Department in accordance with Rule 62-625.510, F.A.C.

4. Domestic wastewater residuals (referred to as "sewage sludge" in the federal regulations which is defined at 40 CFR 503.9) requirements. The granting of removal credits will not cause the WWF to violate the local, State, and Federal requirements which apply to the domestic wastewater residuals management method chosen by the WWF. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable domestic wastewater residual requirements) it will be in compliance when the industrial user (to whom the removal credit would apply) is required to

meet its categorical pretreatment standard, as modified by the removal credit. Removal credits may be made available for the following:

a. Any pollutant listed in subsections 62-625.880(2) and (3), F.A.C., for the use or disposal practice employed by the WWF, when the requirements in Chapter 62-640, F.A.C., for that practice are met;

b. Arsenic, Beryllium, Cadmium, Chromium, Lead, Mercury and Nickel, when incinerated, when the concentration for these pollutants does not exceed the requirements of 40 CFR part 503.43, as of July 1, 2009, hereby adopted and incorporated by reference;

c. Any pollutant listed in subsection 62-625.880(4), F.A.C., for the use or disposal practice employed by the WWF, when the concentration for the pollutant listed in subsection 62-625.880(4), F.A.C., does not exceed the specified concentration; or

d. For any pollutant in domestic wastewater residuals, when the WWF disposes all of its domestic wastewater residuals in a municipal solid waste landfill that meets the criteria in Chapter 62-701, F.A.C.

5. Permit limitations. The granting of removal credits shall not cause a violation of the WWF's permit limitations or conditions. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable limitations and conditions in its permit) it will be in compliance when the industrial user (to whom the removal credit would apply) is required to meet its categorical pretreatment standard, as modified by the removal credit.

(c) Calculation of revised discharge limits. Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \left(\frac{x}{1 - r} \right)$$

where

y = Revised discharge limit for the specified pollutant (expressed in same units as x).

x = Pollutant discharge limit specified in the applicable categorical pretreatment standard.

r = Removal credit for that pollutant as established under subsection (2) below (percentage removal expressed as a proportion, i.e., a number between 0 and 1).

(2) Establishment of removal credits; demonstration of consistent removal. Influent and effluent operational data demonstrating consistent removal, or other information as provided for in paragraph (g) below which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed, shall be provided to the Department. These data shall meet the following requirements:

(a) Representative data: seasonal. The data shall be representative of yearly and seasonal conditions to which the WWF is subjected for each pollutant for which a discharge limit revision is proposed.

(b) Representative data: quality and quantity. The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal as provided for in paragraph (g) below.

(c) Sampling procedures: composite.

1. The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling shall be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling shall be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

2. Sampling frequency and historical data.

a. Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling

must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the Department determines that this sampling is not representative of the actual operation of the WWF, the Department shall notify the WWF with an explanation of why it has come to this determination. The control authority shall submit, within 30 days of receipt of the Department notice, an alternative sampling schedule. The Department shall approve the alternative sampling schedule if it is representative of the operation of the WWF. The alternative sampling schedule shall not be implemented until written Department approval is obtained.

b. As an alternative, a WWF may utilize an historical data base amassed prior to the effective date of this chapter. In order for the historical data base to be approved, it must present a statistically valid description of daily, weekly, and seasonal WWF loadings and performance for at least one year.

3. The Department shall require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual WWF operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(d) Sampling procedures: Grab. Where composite sampling is not an appropriate sampling technique, grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used shall be based upon the average of the daily flows during the same month of the previous year. Grab samples shall be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions which take place after sample collection and affect the results.

(e) Analytical methods. The sampling referred to in paragraphs (c) and (d) above, and an analysis of these samples, shall be performed in accordance with Chapter 62-160, F.A.C.

(f) Calculation of removal. All data acquired under the provisions of this rule must be submitted to the Department. Removal for a specific pollutant shall be determined for each sample either by measuring the difference between the concentrations of the pollutant in the influent and effluent of the WWF and expressing the difference as a percent of the influent concentration, or by using other data or procedures subject to concurrence by the Department as provided for in paragraph (g) below.

(g) All sample data obtained for the measured pollutant during the time period prescribed in this section, must be reported to the Department and used in computing consistent removal. If a substance is detectable in the influent but not in the effluent, the effluent level shall be assumed to be the method detection limit, and those data may be used by the WWF at its discretion if the method detection limit meets the requirements of Rule 62-4.246, F.A.C. If the substance is not detectable in the influent, the data shall not be used to calculate consistent removal. Where the number of samples with concentrations equal to or above the method detection limit is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentration equal to or above the method detection limit, the Department shall require alternate means for demonstrating consistent removal.

(3) Provisional credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes), the control authority may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other comparable treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated in accordance with subsection (2) above. If, within 18 months after the commencement of the discharge of the pollutant in question, the WWF cannot demonstrate consistent removal in accordance with subsection (2) above, the authority to grant provisional removal credits shall be terminated by the Department in accordance with paragraph (5)(d) below.

(4) Control authority request for authorization to give removal credits and Department review.

(a) Any control authority that wants to give a removal credit must request authorization from the Department.

(b) The request for authorization to give removal credits (or modify existing ones) shall be submitted in writing by the control authority to the Department.

(c) A control authority may request authorization to give or modify removal credits at any time.

(d) The request for authorization to give removal credits must be supported by the following information:

1. List of pollutants. A list of pollutants for which removal credits are proposed.

2. Consistent removal data. The data required in subsection (2) above.

3. Calculation of revised discharge limits. Proposed revised discharge limits for each affected subcategory of industrial users calculated in accordance with paragraph (1)(c) above.

4. Domestic wastewater residuals management certification. A specific description of the WWF's current methods of using or disposing of its residuals and a certification that the granting of removal credits will not cause a violation of the domestic wastewater residuals requirements identified in subparagraph (1)(b)4. above.

5. Permit limit certification. A certification that the granting of removal credits will not cause a violation of the WWF's permit limits and conditions as required in subparagraph (1)(b)5. above.

(e) Department review. The Department shall review the control authority's request for authorization to give or modify removal credits in accordance with the procedures of Rule 62-625.510, F.A.C., and shall, in no event, have more than 180 days from public notice of the request to complete review.

(f) EPA review of State removal credit approvals. The EPA Regional Administrator will review and approve submissions for authority to grant removal credits.

(g) Nothing in these regulations precludes an industrial user or other interested party from assisting the control authority in preparing and presenting the information necessary to request authorization.

(h) Upon Department and EPA approval of a control authority's request to grant removal credits, the WWF's permit shall be revised in accordance with Rule 62-620.325, F.A.C., to include the revised discharge limits and any additional monitoring and reporting requirements.

(5) Continuation and withdrawal of authorization.

(a) Effect of authorization. Once a control authority has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard, it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the WWF to violate the requirements identified in subparagraph (1)(b)4. above or its permit limits and conditions as required by subparagraph (1)(b)5. above. If a control authority elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory or one or more industrial users that initially were not granted removal credits, it must notify the Department prior to granting the removal credit.

(b) Inclusion in WWF permit. Once authority is granted, the removal credits shall be included in the WWF's permit and shall become an enforceable requirement of the WWF's permit. The removal credits shall remain in effect for the term of the WWF's permit, provided the WWF maintains compliance with the conditions specified in paragraph (d) below.

(c) Compliance monitoring. Following authorization to give removal credits, a control authority shall continue to monitor and report on the WWF's removal capabilities at such intervals as specified in the WWF's permit, but in no case less than once per year. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the control authority's compliance report.

(d) Modification or withdrawal of removal credits.

1. Notice of control authority. The Department shall notify the control authority if, on the basis of

pollutant removal capability reports received pursuant to paragraph (c) above, or other relevant information available to it, the Department determines:

a. That one or more of the discharge limit revisions made by the control authority no longer meets the requirements of this section; or

b. That such discharge limit revisions are causing a violation of any conditions or limits contained in the WWF's permit.

2. Corrective action. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days, the Department shall either withdraw such discharge limits or require modifications in the revised discharge limits. An extension to the 60 day time period shall be granted if the control authority or industrial user submits a written request to the Department that demonstrates that more time is necessary to undertake appropriate corrective action and that the time extension will not have any adverse environmental impacts.

3. Public notice of withdrawal or modification. The Department shall not withdraw or modify revised discharge limits unless it first notifies, in writing, the control authority and all industrial users to whom revised discharge limits have been applied, of the reasons for such withdrawal or modification. The Department shall publish a notice of withdrawal or modification of revised discharge limits in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.031, F.S., and shall provide an opportunity for an administrative hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards, as appropriate, and shall achieve compliance with such limits in accordance with subsection 62-625.410(3), F.A.C.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.500 Pretreatment Program Development and Submission Requirements.

(1) Public utilities required to develop a pretreatment program.

(a) Except as provided in paragraph (1)(b) below, public utilities shall establish a pretreatment program under the following conditions:

1. The public utility receives pollutants from industrial users which pass through or interfere with the operation of the WWF or are otherwise subject to pretreatment standards;

2. The public utility discharges to surface waters of the State or is required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16; and

3. The public utility owns or operates one or more WWFs with a total design flow greater than 5 million gallons per day (mgd). The Department shall also require that a public utility that owns or operates one or more WWFs with a design flow of 5 mgd or less to establish a pretreatment program if it finds that the nature or volume of the industrial influent, treatment process upsets, violations of WWF effluent limitations, contamination of domestic wastewater residuals, or other circumstances require a pretreatment program in order to prevent interference with the WWF or pass through.

(b) Public utilities that own or operate one or more WWFs that are required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16 shall develop a pretreatment program that meets the requirements of subsections (2) and (3) below, unless the public utility can provide an affirmative demonstration in accordance with subsection 62-610.330(2), F.A.C., or 40 CFR part 146.15(e)(l) that the WWF has no significant industrial users.

(c) If a WWF identified as needing a pretreatment program does not have an approved pretreatment program, the Department shall revise, or revoke and reissue, the existing WWF permit. The revised or reissued permit shall contain a compliance schedule, with a final compliance date not to exceed one year from the effective date of the revised or reissued permit, for the development of a pretreatment program

meeting the requirements of subsections (2) and (3) below.

(2) Pretreatment program requirements. A pretreatment program shall be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(a) Legal authority. The public utility shall operate under legal authority enforceable in Federal, State, or local courts which authorizes or enables the public utility to apply and to enforce the requirements of this chapter. Such authority shall be contained in a statute, ordinance, or series of contracts or joint powers agreements which the public utility is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the public utility to:

1. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the WWF by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its permit;

2. Control through permit, order, or similar means the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under subsection 62-625.200(25), F.A.C., this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such industrial user except as provided in subparagraphs 7. and 8. Below. Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions

a. Statement of duration (in no case more than 5 years),

b. Statement of non-transferability without prior notification to the control authority and without providing a copy of the existing control mechanism to the new owner or operator,

c. Effluent limits, including best management practices, based on applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law;

d. Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency and sample type based on the applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local laws, and

e. Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C., or a specific waived pollutant in the case of an individual control mechanism;

f. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State or Federal deadlines;

g. Requirements to control slug discharges, if determined by the control authority to be necessary.

3. Require the following:

a. Development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements, and

b. Submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements,

4. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the control authority shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under subsection 62-625.600(14), F.A.C., to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 403.091, F.S.;

5. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement.

a. All control authorities shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All control authorities shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by industrial users of pretreatment standards and requirements.

b. Pretreatment requirements which will be enforced through the remedies set forth in a. above shall, at a minimum, include: the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the control authority; any requirements set forth in individual control mechanisms issued by the control authority; or any reporting requirements imposed by the control authority or this chapter. The control authority shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The control authority shall also have the authority and procedures to prevent any discharge to the WWF which endangers the environment, or which threatens to interfere with the operation of the WWF. Notice shall be provided to the industrial user prior to such action. If public health or welfare are not endangered, the industrial user shall be given an opportunity to respond to the notice; and

6. Comply with the confidentiality requirements set forth in Rule 62-625.800, F.A.C.

7. Use general control mechanisms, at the discretion of the control authority, if all facilities to be covered:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes;

c. Require the same effluent limitations;

d. Require the same or similar monitoring; and

e. In the opinion of the control authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

8. To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that provides:

a. The industrial user's contact information;

b. The industrial user's production processes;

c. The industrial user's types of wastes generated;

d. The industrial user's locations for monitoring all wastes covered by the general control mechanism;

e. Requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C.; and

f. Any other industrial user information the control authority deems appropriate.

A monitoring waiver pursuant to paragraph 62-625.600(4)(b), F.A.C., is not effective in the general control mechanism until after the control authority has provided written notice to the significant industrial user that such a waiver request has been granted. The control authority must retain a copy of the general control mechanism, documentation to support the control authority's determination that a specific significant industrial user meets the criteria in sub-subparagraphs (2)(a)7.a. through e. above, and a copy of the industrial user's written request for coverage for three (3) years after the expiration of the general control mechanism. A control authority may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations as outlined in subsection 62-625.410(6) and Rule 62-625.820, F.A.C., respectively.

(b) Pretreatment program implementation procedures. The public utility shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the control authority to:

1. Identify and locate all possible industrial users which might be subject to the pretreatment program. Any compilation, index or inventory of industrial users shall be made available to the EPA Regional

Administrator or Department upon request;

2. Identify the character and volume of pollutants contributed to the WWF by the industrial users identified under 1. above. This information shall be made available to the EPA Regional Administrator or Department upon request;

3. Notify industrial users identified under subparagraph 1. above of applicable pretreatment standards and any applicable requirements under Parts I and IV of Chapter 403, F.S., regarding disposal of sludge. Within 30 days of approval of a list of significant industrial users, in accordance with paragraph (e) below, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;

4. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Rule 62-625.600, F.A.C.;

5. Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year except as specified in sub-subparagraphs a. through c. below;

a. Where the control authority has authorized a categorical industrial user to waive sampling of a pollutant regulated by a categorical pretreatment standard in accordance with paragraph 62-625.600(4)(b), F.A.C., the control authority must sample for the waived pollutant(s) at least once during the term of the categorical industrial user's control mechanism. In the event that the control authority subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the user's operations, the control authority must immediately begin at least annual inspection and effluent monitoring of the user's discharge;

b. Where the control authority has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the control authority must evaluate, at least once per year, whether an industrial user continues to meet the criteria in paragraph 62-625.200(25)(c), F.A.C.; or

c. In the case of industrial users subject to reduced reporting requirements under paragraph 62-625.600(4)(d), F.A.C., the control authority must randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in paragraph 62-625.600(4)(d), F.A.C., the control authority must immediately begin sampling and inspecting the industrial user at least once a year;

6. Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including nonroutine batch discharges,

b. Description of stored chemicals and containment areas,

c. Procedures for immediately notifying the control authority and the WWF of slug discharges, including any discharge that would violate a prohibition under subsection 62-625.400(2), F.A.C., with procedures for follow-up written notification within five days, and

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;

7. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated

in the reports and notices required under Rule 62-625.600, F.A.C., or indicated by analysis, inspection, and surveillance activities described in subparagraph 5. above. Sample taking, analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

8. Comply with the public participation requirements of Chapter 120, F.S., in enforcement of pretreatment standards. In addition, these procedures shall include provision for at least annual public notification of industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.031, F.S. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;

b. Technical Review Criteria (TRC) violations defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public);

d. Any discharge that has resulted in the control authority's exercise of its emergency authority under sub-subparagraph (a)5.b. above, to halt or prevent such a discharge;

e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; and

h. Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the pretreatment program, except when the Department is acting as the control authority.

(c) Local limits. The public utility shall develop local limits as required in paragraph 62-625.400(3)(a), F.A.C., or submit to the Department documentation that demonstrates that they are not necessary to prevent pass through, interference, protection of WWF employees, or adversely affect residuals disposal. A plan of study shall be submitted to the Department prior to initiating the sampling required to develop local limits.

(d) Enforcement response plan. The public utility shall develop and implement an enforcement response plan. This plan shall contain detailed procedures that:

1. Describe how the control authority will investigate instances of noncompliance, including, at a minimum, sampling, data review, site visits and inspections;

2. Describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place. The enforcement response plan shall address, at a minimum, effluent limits violations, self-monitoring and reporting violations, compliance schedule violations, and violations found during

inspections;

3. Identify (by title) the officials responsible for each type of response; and

4. Reflect the control authority's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in paragraphs (a) and (b) above.

(e) Significant industrial users. The public utility shall prepare and maintain a list of its industrial users meeting the criteria in paragraphs 62-625.200(25)(a) and (b), F.A.C. The list shall identify the criteria in paragraphs 62-625.200(25)(a) and (b), F.A.C., applicable to each industrial user and, shall also indicate whether the public utility has made a determination in accordance with paragraphs 62-625.200(25)(c) and (d), F.A.C., that such industrial user should not be considered a significant industrial user. The list shall be submitted to the Department in accordance with Rule 62-625.510, F.A.C., or as a non-substantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Modifications to the list shall be submitted to the Department in accordance with paragraph 62-625.600(8)(a), F.A.C.

(3) Funding. The public utility shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in subsection (2) above. The public utility may submit a written request for conditional approval of the pretreatment program pending the acquisition of funding and personnel for certain elements of the program. The Department shall grant conditional approval, if the submission demonstrates that:

(a) A limited aspect of the program does not need to be implemented immediately to comply with this chapter;

(b) The public utility has adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and

(c) Funding and personnel for the program aspects to be implemented at a later date will be available when needed. The public utility shall describe in the submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Department will establish a date for the acquisition of the needed funding and personnel based on information submitted by the public utility in accordance with this subsection. If funding is not acquired by this date, the conditional approval of the pretreatment program and any removal allowances granted to the WWF shall be modified or withdrawn.

(4) Pretreatment program submission requirements.

(a) Any public utility requesting approval of a pretreatment program shall submit a program description to the Department. The description must contain the following information:

1. A statement from the solicitor or an official acting in a comparable capacity (or the attorney for those public utilities which have independent legal counsel) that the public utility has authority adequate to carry out the program described in subsection (2) above. This statement shall

a. Identify the provision of the legal authority under paragraph (2)(a) above, which provides the basis for each procedure under paragraph (2)(b) above,

b. Identify the manner in which the control authority will implement the program requirements set forth in subsection (2) above, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.), and

c. Identify how the control authority will ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;

2. A copy of any statutes, ordinances, regulations, agreements, or other authorities which will be relied upon by the control authority for its administration of the pretreatment program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the pretreatment program if approved;

3. A brief description (including organization charts) of the organization which will administer the pretreatment program. If more than one agency is responsible for administration of the program, the responsible agencies shall be identified, their respective responsibilities delineated, and their procedures

for coordination set forth; and

4. A description of the funding levels and full and part-time manpower available to implement the program.

(b) Deadline for pretreatment program submission. A public utility operating or owning a WWF which meets any of the criteria in subsection (1) above shall develop and submit a pretreatment program for approval within one year after written notification from the Department of such identification. The pretreatment program shall meet the criteria set forth in subsection (2) above and, following approval, be administered by the control authority to ensure compliance by industrial users with applicable pretreatment standards and requirements. Two copies of the submission shall be provided to the Department.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.510 Pretreatment Program Review and Approval Procedures.

(1) Completeness review. Within 60 days of receiving a request for approval of a pretreatment program, the Department shall determine if the submission meets the requirements of paragraph 62-625.500(4)(a), F.A.C. If the Department determines that the submission meets these requirements, the Department shall:

(a) Notify the public utility that the submission has been received and is under review; and

(b) Commence the public notice and evaluation activities set forth in subsection (2) below. If, after review of the submission, the Department determines that the submission does not comply with the requirements of paragraph 62-625.500(4)(a), F.A.C., the Department shall provide notice in writing to the public utility and each person who has requested individual notice. This notification shall identify any defects in the submission and advise the public utility, and each person who has requested individual notice, of the means by which the public utility can comply with the requirements of subsections 62-625.500(2) and (3), F.A.C.

(2) Public notice and opportunity for hearing. Within 20 working days after making a determination that a submission meets the requirements of paragraph 62-625.500(4)(a), F.A.C., the Department shall:

(a) Provide the public utility with a copy of a notice of request for approval of a pretreatment program. The public utility shall publish the notice in a newspaper(s) of general circulation within the jurisdiction served by the WWF, that meets the requirements of Sections 50.011 and 50.031, F.S., within 14 days of receipt of the request for publication. The public utility shall provide proof of publication to the Department, at the address specified in the request for publication, within 7 days of publication;

(b) Mail the notice of request for approval to all Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans, unless such agencies have asked not to be sent the notices. Those agencies include U.S. Advisory Council on Historic Preservation, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State, Division of Historical Resources, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists;

(c) Provide a period of not less than 30-days following the date of the public notice during which time interested persons may submit their written views on the submission. All written comments submitted during the 30-day comment period shall be retained by the Department and considered in the decision on whether or not to approve the submission to the Department. The period for comment may be extended by the Department;

(d) Provide an opportunity for the public utility, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission. This request

for public hearing shall be filed within the 30-day (or extended) comment period described in paragraph (c) above and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted;

(e) Hold a hearing in accordance with paragraph (d) above, if there is significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt shall be resolved in favor of holding the hearing; and

(f) Provide the public utility with a copy of a notice of a hearing to consider a submission, if any hearing is requested. The notice shall be published by the public utility in the same newspaper as the notice of the original request for approval of the submission under paragraph (a) above. In addition, the notice of a hearing shall be sent by the Department to those persons requesting individual notice.

(3) Public access to submission. The Department shall ensure that the submission and any comments upon such submission are available to the public for inspection and copying. A copy of the submission shall also be made available to the public for inspection by the public utility.

(4) Deadline for review of submission. The Department shall have 90 days from the date of public notice of any submission complying with the requirements of paragraph 62-625.500(4)(a), F.A.C., to review the submission. The Department shall review the submission to determine compliance with the requirements of subsections 62-625.500(2) and (3), F.A.C. The Department shall have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in paragraph (2)(c) above is extended beyond 30 days or if a public hearing is held as provided for in paragraph (2)(e) above. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of paragraph 62-625.500(4)(a), F.A.C.

(5) Department decision. At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in subsection (4) above, the Department shall approve or deny the submission based upon the evaluation in subsection (4) above, taking into consideration comments submitted during the comment period and the record of the public hearing if held. Where the Department makes a determination to deny the request, the Department shall so notify the public utility and each person who has requested individual notice. The notification shall include suggested modifications and the Department shall allow the public utility additional time to bring the submission into compliance with applicable requirements.

(6) EPA review of Department's decision. No pretreatment program shall be approved by the Department if, following the 30-day (or extended) evaluation period provided for in paragraph (2)(c) above and any hearing held as provided for in paragraph (2)(e) above, the EPA Regional Administrator sets forth, in writing, objections to the approval of such submission and the reasons for such objections. A copy of the EPA Regional Administrator's objections will be provided to the public utility and each person who has requested individual notice. The EPA Regional Administrator will provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the EPA Regional Administrator's objections shall result in a final ruling to deny approval of a pretreatment program 90 days after the date the objections are issued.

(7) Notice of decision. The Department shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the Department shall require the public utility to publish a notice of approval or disapproval, prepared by the Department, in the same newspaper as the original notice of request for approval of the submission was published.

(8) Permit reissuance or revision. If a WWF is required to develop a pretreatment program, the Department shall revise, or alternatively revoke and reissue, the WWF's permit in order to incorporate requirements for pretreatment program development and implementation as enforceable conditions of the permit. The revision of a WWF's permit for the purpose of incorporating these requirements shall be

deemed a minor permit revision subject to the procedures in Rule 62-620.325, F.A.C.

Rulemaking Authority 403.061(7), (31), 403.0885, 403.815 FS. Law Implemented 403.0885, 403.815 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.540 Modification of Pretreatment Programs.

(1) General. Pretreatment programs shall be modified in accordance with this rule whenever there is a significant change in the operation of a pretreatment program that differs from the information in the control authority's submission to the Department, as approved under Rule 62-625.510, F.A.C.

(2) Procedures. Pretreatment program modifications shall be accomplished as follows:

(a) For substantial modifications, as defined in subsection (3) below.

1. The control authority shall submit to the Department a statement of the basis for the desired modification, a modified program description in accordance with paragraph 62-625.500(4)(a), F.A.C., and such other documents the Department determines to be necessary under the requirements of this chapter,

2. The Department shall approve or disapprove the modification based on the requirements of subsection 62-625.500(2), F.A.C., following the procedures in Rule 62-625.510, F.A.C.,

3. If not already incorporated into the WWF's permit, the modification shall be incorporated after approval in accordance with Rule 62-620.325, F.A.C., and

4. The modification shall become effective upon approval by the Department. Publication of the notice of approval is not required provided that no substantive comments are received by the date specified in the notice of request for approval and the request is approved without change. Otherwise, notice of approval of the modification, prepared by the Department, shall be published by the control authority in the same newspaper as the original notice of request for approval in accordance with paragraph 62-625.510(2)(a), F.A.C.; and

(b) The control authority shall notify the Department of any non-substantial modifications to its pretreatment program at least 45 days prior to when they are to be implemented by the control authority, in a statement similar to that provided for in subparagraph (a)1. above. Such non-substantial program modifications shall be deemed to be approved by the Department 45 days after the submission of the control authority's statement unless the Department determines that a modification submitted is a substantial modification. Following such "approval" by the Department, if not already incorporated in to the WWF's permit, such modifications shall be incorporated in accordance with Rule 62-620.325, F.A.C. If the Department determines that a modification reported by a control authority in its statement is in fact a substantial modification, the Department shall notify the control authority and initiate the procedures in paragraph (a) above.

(3) Substantial modifications.

(a) The following are substantial modifications for purposes of this chapter:

1. Changes to the control authority's legal authority;

2. Changes to local limits which result in less stringent local limits, except for modifications to local limits for pH and or reallocations of the maximum allowable industrial loading of a pollutant that does not increase the total industrial loadings for that pollutant, which are reported in accordance with paragraph (2)(b) above.

3. Changes to the control authority's control mechanism, as described in subparagraph 62-625.500(2)(a)2., F.A.C.;

4. A decrease in the frequency of self-monitoring or reporting required of industrial users;

5. A decrease in the frequency of industrial user inspections or sampling by the control authority;

6. Changes to the control authority's confidentiality procedures;

(b) A modification that is not included in paragraph (a) above is nonetheless a substantial modification for purposes of this chapter if the modification:

1. Would have a significant impact on the operation of the pretreatment program;

2. Would result in an increase in pollutant loadings at the WWF; or
3. Would result in less stringent requirements being imposed on industrial users.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 5-10-10.

62-625.600 Reporting Requirements for Control Authorities and Industrial Users.

(1) Baseline Report for industrial users upon effective date of categorical pretreatment standard. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination request under paragraph 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to a WWF shall submit to the control authority a report which contains the information listed in paragraphs (a)-(g) below. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report which contains the information listed in paragraphs (a)-(e) below. New sources shall include in this report information on the method of pretreatment it intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (d) and (e), below.

(a) Identifying information. The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

(b) Permits. The industrial user shall submit a list of any pollution control permits held by or for the facility.

(c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) codes of the operations carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

(d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from each of the following:

1. Regulated process streams, and

2. Other streams as necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. The control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants.

1. The industrial user shall identify the pretreatment standards applicable to each regulated process.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

3. The industrial user shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.

4. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with subsection 62-625.410(6), F.A.C., this adjusted limit,

along with supporting data, shall be submitted to the control authority.

5. All activities related to sampling and analysis shall comply with paragraphs (6)(d) and (e) and Chapter 62-160, F.A.C.

a. Sampling activities shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP-SOP-001/01, March 31, 2008, hereby adopted and incorporated by reference. A copy of this document is available for inspection at the Department's district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400 and is also available on the Department's internet site.

b. Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

c. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.

6. The industrial user may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

7. The baseline report shall indicate the time, date and place, of sampling; methods of analysis; and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(f) Certification. A statement, reviewed by an authorized representative of the industrial user indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(g) Compliance schedule. If additional pretreatment or O & M will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or O & M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. If the categorical pretreatment standard has been modified by the combined waste stream formula in accordance with subsection 62-625.410(6), F.A.C., a removal credit in accordance with Rule 62-625.420, F.A.C., or a fundamentally different factor variance in accordance with Rule 62-625.700, F.A.C., at the time the industrial user submits the report required by this subsection, the information requested in paragraphs (f) and (g) of this subsection shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by the combined waste stream formula, a removal credit, or a fundamentally different factor variance after the industrial user submits the report required by this subsection, any necessary amendment to the information requested in paragraphs (f) and (g) of this subsection shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.

(2) Compliance schedule and progress reports for meeting categorical pretreatment standards. The following conditions shall apply to the compliance schedule required by paragraph (1)(g) above:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

(b) No increment referred to in paragraph (a) above shall exceed 9 months.

(c) Within 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the control authority.

(3) Final report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in paragraphs (1)(d)-(f), above. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

(4) Periodic reports on continued compliance.

(a) Any industrial user subject to a categorical pretreatment standard, except a non-significant categorical industrial user, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority in accordance with paragraphs (6)(c), (d), and (e) below, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph (1)(d) above, except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of this rule. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the industrial user. The industrial user may request submission of the above reports in months other than June and December if, based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user demonstrates the following through sampling and other technical factors:

1. The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user; and

2. The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(c) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

1. The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

2. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the Department approved method from Rule 62-4.246, F.A.C., with the lowest method detection limit for that pollutant was used in the analysis.

3. The request for a monitoring waiver must be signed in accordance with subsection (11) below and include the certification statement found in subparagraph 62-625.410(2)(b)2., F.A.C.

4. The authorization must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for 3 years after expiration of the waiver.

5. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the control authority, the industrial user must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph 62-625.600(4)(a), F.A.C."

6. In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the industrial user's operations, the industrial user must immediately notify the control authority and comply with the monitoring requirements of paragraph (4)(a) above or other more frequent monitoring requirements imposed by the control authority.

(d) The control authority may reduce the requirement in paragraph (4)(a) above to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Department, where the industrial user meets all of the following conditions:

1. The industrial user's total categorical wastewater flow does not:

a. Exceed 0.01 percent of the design dry weather hydraulic capacity of the WWF, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

b. Exceed 0.01 percent of the design dry weather organic treatment capacity of the WWF; and

c. Exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed for a WWF in accordance with subsection 62-625.400(3), F.A.C.

2. The industrial user has not been in significant noncompliance in the past two years; and

3. The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (6)(c) below.

(e) The industrial user must notify the control authority immediately of any changes at its facility causing it to no longer meet conditions of subparagraphs (4)(d)1. or (4)(d)2. above. Upon notification, the industrial user must immediately begin complying with the minimum reporting in paragraph (4)(a) above.

(f) Where the control authority has imposed mass limitations on industrial users as provided for by subsection 62-625.410(5), F.A.C., the report required by paragraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(g) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., the report required by paragraph (a) above shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (a) above shall include the industrial user's actual average production rate for the reporting

period.

(5) Notice of potential problems, including slug discharges. All categorical and significant noncategorical industrial users shall notify the control authority and WWF immediately of all discharges that could cause problems to the WWF, including any slug discharges and prohibited discharges, as defined by subsection 62-625.400(2), F.A.C.

(6) Monitoring and analysis to demonstrate continued compliance.

(a) Except in the case of non-significant categorical industrial users, the reports required in subsections (1), (3), and (4) above shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the Department is acting as the control authority. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under paragraph (1)(f) and (3) above. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340, F.A.C.

(b) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

1. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

2. The control authority performs sampling at the industrial user between the time when the initial sampling was conducted and the time when the industrial user or the control authority receives the results of the sampling.

(c) The reports required in subsections (1), (3), (4) and (7) shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

1. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;

2. Samples for volatile organics and oil and grease may be composited in the laboratory; and

3. Composite samples for other parameters unaffected by the compositing procedures as allowed in the Department's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

(e) Oil and grease samples shall be collected in accordance with paragraph (6)(d) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(f) Sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) above shall be conducted as follows:

1. For industrial users where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

2. For industrial users where historical sampling data are available, the control authority may authorize a lower minimum.

(g) For the reports required by subsections (4) and (7), the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(h) If an industrial user subject to the reporting requirement in subsection (4) or (7) monitors any regulated pollutant at the appropriate monitoring location more frequently than required by the control authority, using the procedures required by paragraph (6)(d) above, the results of this monitoring shall be included in the report.

(7) Reporting requirements for industrial users not subject to categorical pretreatment standards.

(a) The control authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the control authority to determine the compliance status of the industrial user.

(b) The reports must be based on sampling and analysis performed in the period covered by the report, and are subject to the same requirements specified in paragraphs (6)(d) and (e) above. The sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user and is subject to the same requirements specified in paragraphs (6)(d) and (e) above, except when the Department is acting as the control authority. Where the control authority itself collects all the information required for the report, the significant non-categorical industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340, F.A.C.

(8) Annual control authority reports. Control authorities shall provide the Department with a report that briefly describes the control authority's program activities, including activities of all participating agencies if more than one jurisdiction is involved in the pretreatment program. The report shall be submitted no later than one year after approval of the pretreatment program, and at least annually thereafter as specified in the WWF's permit, and shall include at a minimum, the following:

(a) An updated list of the WWF's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The control authority shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The control authority shall also list the industrial users that are subject only to the local requirements. The list must also identify industrial users subject to categorical pretreatment standards

that are subject to reduced reporting requirements under paragraph (4)(d) above and identify which industrial users are non-significant categorical industrial users.

(b) A summary of the status of industrial user compliance over the reporting period;

(c) A summary of compliance and enforcement activities (including inspections) conducted by the control authority during the reporting period;

(d) A summary of changes to the control authority's pretreatment program that have not been previously reported to the Department;

(e) A summary of analytical results of the influent and effluent for each WWF covered by the pretreatment program for those conventional pollutants that are identified under 40 C.F.R. Part 401.16, as of July 1, 2009, hereby adopted and incorporated by reference, and any additional parameters that are routinely reported according to each WWF wastewater permit. The analytical summary shall provide monthly averages for influent, effluent, and the percent removal for each of the the conventional pollutants;

(f) A summary of all analytical results of influent and effluent for each WWF covered by the pretreatment program for those toxic pollutants that have been identified under 40 C.F.R. Part 122, Appendix D, Tables II and III, as of July 1, 2009, hereby adopted and incorporated by reference, with the exception of acrolein and acrylonitrile;

(g) A summary of all analytical results of residuals for each WWF covered by the pretreatment program for those pollutants identified under 40 CFR part 503.13, as of July 1, 2009, hereby adopted and incorporated by reference; and

(h) A summary of analytical results of influent and effluent for each WWF covered by the pretreatment program for those nonpriority pollutants which the permittee believes may be causing or contributing to interference, pass though or adversely impacting residuals quality.

(9) Notification of changed discharge. All industrial users shall promptly notify the control authority, (and the public utility if the public utility is not the control authority) in advance of any change in the volume or character of pollutants in their discharge that may result in pass through or interference at the WWF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (15) below.

(10) Compliance schedule for control authorities. The following conditions and reporting requirements shall apply to the compliance schedule for development of a pretreatment program required by Rule 62-625.500, F.A.C.:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a pretreatment program (e.g., acquiring required authority, developing funding mechanisms, acquiring equipment);

(b) No increment referred to in paragraph (a) above shall exceed 9 months; and

(c) Within 14 days following each date in the schedule and the final date for compliance, the control authority shall submit a progress report to the Department including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the control authority to return to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Department.

(11) Signatory requirements for industrial user reports. The reports required by subsections (1), (3), (4), and (7) above shall include the certification statement as set forth in subparagraph 62-625.410(2)(b)2., F.A.C., and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by subsections (1), (3), (4), and (7) above is a corporation;

(b) By a general partner or proprietor, if the industrial user submitting the reports required by subsections (1), (3), (4), and (7) above is a partnership or sole proprietorship respectively;

(c) By a duly authorized representative of the individual designated in paragraph (a) or (b) above if:

1. The authorization is made in writing by the individual described in paragraph (a) or (b) above,

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and

3. The written authorization is submitted to the control authority;

(d) If an authorization under paragraph (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) above must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative; or

(e) By a duly authorized municipal official, if the industrial user submitting the reports required in subsections (1), (3), (4), and (7) above is a municipal department.

(12) Signatory requirements for control authority reports. Reports submitted to the Department by the control authority in accordance with subsection (8) above must be signed by a principal executive officer, ranking elected official, or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the WWF or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Department prior to or together with the report being submitted.

(13) Provisions governing fraud and false statements. Any person, including a responsible corporate officer, submitting or maintaining reports and other documents required under this chapter shall be subject to the civil and criminal penalties of Section 403.161, F.S., for any falsification described in that section.

(14) Record-keeping requirements.

(a) Any industrial user and control authority subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter, including documentation associated with best management practices. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

(b) Any industrial user or control authority subject to the reporting requirements established in this chapter, including documentation associated with best management practices, shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) and shall make such records available for inspection and copying by the Department (and control authority in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or control authority.

(c) Any control authority to which reports are submitted by an industrial user in accordance with subsections (1), (3), (4) and (7) above shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Department. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the pretreatment program.

(d) The control authority must retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under paragraph (4)(d) above for a period of 3 years after the expiration of the term of the control mechanism.

(15) Provisions governing hazardous waste.

(a) The industrial user shall notify the control authority and the Department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous,

batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

1. An identification of the hazardous constituents contained in the wastes,

2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (9) above. The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements of subsections (1), (3), and (4) above.

(b) Discharges are exempt from the requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new Department regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the control authority and the Department's hazardous waste and pretreatment authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(16) All control authorities shall provide to the Department a written technical evaluation regarding the need to revise local limits. At a minimum, the evaluation shall be provided within 180 days following permit issuance or reissuance. The evaluation shall verify whether existing local limits protect the WWF, and if not, shall develop new local limits as part of the evaluation. For new local limits, a plan of study shall be submitted to the Department prior to initiating sampling required to develop the new local limit.

(17) Annual certification by non-significant categorical industrial users. An industrial user determined to be a non-significant categorical industrial user in accordance with paragraph 62-625.200(25)(c), F.A.C., must annually submit the following certification statement, signed in accordance with the signatory requirements in subsection (11) above. The certification must accompany any alternative report required by the control authority: "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

(a) The facility described as [industrial user name] met the definition of a non-significant categorical industrial user as described in paragraph 62-625.200(25)(c), F.A.C.;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption]."

Rulemaking Authority 403.061(7), (31), 403.0885, 403.161 FS. Law Implemented 403.0885 FS. History–

New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.700 Fundamentally Different Factors Variance.

(1) In establishing categorical pretreatment standards for existing sources, the EPA takes into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b) of the CWA. In some cases, information which may affect these pretreatment standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to a certain industrial user within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person or industrial user believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that industrial user and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard, may request a fundamentally different factors variance under this rule or such a variance request may be initiated by the EPA.

(2) Criteria.

(a) General criteria. A request for a variance based upon fundamentally different factors shall be approved only if:

1. There is an applicable categorical pretreatment standard which specifically controls the pollutant for which alternative limits have been requested;

2. Factors relating to the discharge controlled by the categorical pretreatment standards are fundamentally different from the factors considered by EPA in establishing the pretreatment standards; and

3. The request for a variance is made in accordance with the procedural requirements in subsections (6) and (7) below.

(b) Criteria applicable to less stringent limits. A variance request for the establishment of limits less stringent than required by the pretreatment standard shall be approved only if:

1. The alternative limit requested is no less stringent than justified by the fundamental difference;

2. The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under Rule 62-625.400, F.A.C.;

3. The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards; and

4. Compliance with the pretreatment standards (either by using the technologies upon which the pretreatment standards are based or by using other control alternatives) would result in either

a. A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the pretreatment standards, or

b. A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards.

(c) Criteria applicable to more stringent limits. A variance request for the establishment of limits more stringent than required by the pretreatment standards shall be approved only if:

1. The alternative limit request is no more stringent than justified by the fundamental difference; and

2. Compliance with the alternative limit would not result in either

a. A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the pretreatment standards, or

b. A non-water quality environmental impact (including energy requirements) fundamentally more

adverse than the impact considered during development of the pretreatment standards.

(3) Factors considered fundamentally different. Factors which shall be considered fundamentally different are:

(a) The nature or quality of pollutants contained in the raw waste load of the industrial user's process wastewater;

(b) The volume of the industrial user's process wastewater and effluent discharged;

(c) Non-water quality environmental impact of control and treatment of the industrial user's raw waste load;

(d) Energy requirements of the application of control and treatment technology;

(e) Age, size, land availability, and configuration as they relate to the industrial user's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology; and

(f) Cost of compliance with required control technology.

(4) Factors which will not be considered fundamentally different. A variance request or portion of such a request under this section shall not be granted on any of the following ground:

(a) The feasibility of installing the required waste treatment equipment within the time the CWA allows;

(b) The assertion that the pretreatment standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in subsection (3) above;

(c) The industrial user's ability to pay for the required waste treatment; or

(d) The impact of a discharge on the quality of the WWF's receiving waters.

(5) State or local law. Nothing in this section shall be construed to impair the right of the State of Florida or any locality to impose more stringent limitations than required by Federal law.

(6) Application deadline.

(a) Requests for a variance and supporting information must be submitted in writing to the Department.

(b) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical pretreatment standard is published in the Federal Register.

(c) Where the industrial user has requested a categorical determination pursuant to subsection 62-625.410(2), F.A.C., the industrial user may elect to wait for the results of the category determination before submitting a variance request under this section. Where the industrial user so elects, it must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to paragraph 62-625.410(2)(d), F.A.C.

(7) Application contents. Written submissions for variance requests must include:

(a) The name and address of the person making the request;

(b) Identification of the interest of the requester which is affected by the categorical pretreatment standard for which the variance is requested;

(c) Identification of the WWF currently receiving the wastewater from the industrial user for which alternative discharge limits are requested;

(d) Identification of the categorical pretreatment standards which are applicable to the industrial user;

(e) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

(f) The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in paragraph (e) above;

(g) A description of the industrial user's existing wastewater treatment facilities;

(h) A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and

(i) A statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, (e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge

limit in the pretreatment standard.)

(8) Deficient applications. The Department will only act on written requests for variances that contain all of the information required. Persons who have made incomplete applications will be notified by the Department that their requests are deficient and will be given thirty days, from the date of the notification, to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Department, the request for a variance shall be denied.

(9) Public notice. Upon receipt of a complete request, the Department will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(a) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

1. The applicable control authority and the WWF into which the industrial user requesting the variance discharges;

2. Adjoining states whose waters may be affected; and

3. All Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans. Those agencies include the U.S. Council on Historic Preservation, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State, Division of Historical Resources, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists.

(b) The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

(c) Following the comment period, the Department will make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the industrial user for which the variance is requested if different), the control authority, the WWF into which the industrial user discharges and all persons who submitted comments on the request.

(10) Review of requests by the state.

(a) Where the Department finds that fundamentally different factors do not exist, it shall deny the request and notify the requester (and industrial user where they are not the same), the control authority and the WWF of the denial.

(b) Where the Department finds that fundamentally different factors do exist, it shall forward the request, with a recommendation that the request be approved, to the EPA Administrator (or delegate).

(11) Review of requests by EPA.

(a) Where the EPA Administrator (or delegate) finds that fundamentally different factors do not exist, he or she shall deny the request for a variance and send a copy of his or her determination to the Department, the control authority, the WWF, and the requester (and to the industrial user, where they are not the same).

(b) Where the EPA Administrator (or delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he or she will approve the variance. In approving the variance, the EPA Administrator (or delegate) will:

1. Prepare recommended alternative discharge limits for the industrial user either more or less stringent than those prescribed by the applicable categorical pretreatment standards to the extent warranted by the demonstrated fundamentally different factors:

2. Provide the following information in his written determination

a. The recommended alternative discharge limits for the industrial user concerned,

b. The rationale for the adjustment of the pretreatment standard (including the reasons for

recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived,

c. The supporting evidence submitted to the EPA Administrator (or delegate), and

d. Other information considered by the EPA Administrator (or delegate) in developing the recommended alternative discharge limits;

3. Notify the Department, the control authority, and the WWF of his or her determination; and

4. Send the information described in subparagraphs (b)1. and 2., above, to the requester (and to the industrial user where they are not the same).

(12) Request for hearing.

(a) Within 30 days following the date of receipt of the notice of the decision of the EPA Administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the EPA Regional Administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other than the industrial user, the person shall simultaneously serve a copy of the request on the industrial user.

(b) If the EPA Regional Administrator declines to hold a hearing and the EPA Regional Administrator affirms the findings of the EPA Administrator's delegate, the requester may submit a petition for a hearing to the EPA Administrator within 30 days of the EPA Regional Administrator's decision.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.800 Confidentiality.

(1) Authority. In accordance with Chapter 119, F.S., all information and documents submitted to the Department are considered to be public information, and as such are available to the public for reading and copying. However, in accordance with Section 403.111, F.S., any information submitted to the Department in accordance with this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Section 403.111, F.S.

(2) Effluent data. Effluent information and data provided to the control authority in accordance with this chapter shall be available to the public without restriction.

Rulemaking Authority 403.061(7), (31), 403.0885, 403.111 FS. Law Implemented 403.0885, 403.08851 FS. History–New 11-29-94.

62-625.820 Net/Gross Calculation.

(1) Application. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority.

(2) Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following requirements are met:

(a) Either:

1. The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids

(TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the industrial users effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard, up to a maximum value equal to the influent value. If sufficient data does not exist, additional monitoring shall be required to determine eligibility for credit and compliance with pretreatment standards adjusted under this rule.

(d) Credit shall be granted only if the industrial user demonstrates that the intake water is drawn from the same body of water as that into which the WWF discharges. If the control authority desires to waive this requirement, the control authority shall submit a written request to the Department for approval. The Department will grant approval for the waiver if the control authority provides technical documentation that no environmental degradation will result in the receiving water body.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.840 Upset Provision.

(1) An upset does not constitute noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3) below are met.

(3) Conditions necessary for a demonstration of upset. An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the cause of the upset;

(b) The industrial user's facility was, at the time of the upset, being properly operated; and

(c) The industrial user has orally submitted the following information to the control authority within 24 hours of becoming aware of the upset, with a written submission to be provided within 5 days

1. A description of the discharge and cause of noncompliance,

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and

3. Steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) Industrial user responsibility in case of an upset. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History–New 11-29-94, Amended 1-8-97.

62-625.860 Bypass.

(1) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (2) and (3) below.

(2) Notice.

(a) If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the control authority at least ten days before the date of the bypass. If the industrial user does not know of the need for a bypass ten days prior to the bypass then the industrial user shall notify the control authority immediately upon knowledge of the need for the bypass.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain:

1. A description of the bypass and its cause;

2. The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and

3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(3) Prohibition of bypass.

(a) Bypass is prohibited, and the control authority shall take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The industrial user submitted notices as required under subsection (2) above.

(b) The control authority shall, except when the Department acts as the control authority, approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in paragraph (a) above. If the Department is acting as the control authority, then the industrial user shall notify the WWF of the anticipated bypass.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History–New 11-29-94.

62-625.880 Tables.

(1) Selected industrial subcategories considered dilute for purposes of the combined waste stream formula.

(a) Auto and Other Laundries:
Carpet and Upholstery Cleaning,
Coin-Operated Laundries and Dry Cleaning,
Diaper Services,
Dry Cleaning Plants except Rug Cleaning,
Industrial Laundries,
Laundry and Garment Services, Not Elsewhere Classified,
Linen Supply,
Power Laundries, Family and Commercial.

(b) Electrical and Electronic Components:
Capacitors (Fluid Fill),
Carbon and Graphite Products,
Dry Transformers,
Ferrite Electronic Devices,
Fixed Capacitors,
Fluorescent Lamps,

Fuel Cells,
Incandescent Lamps,
Magnetic Coatings,
Mica Paper Dielectric,
Motors, Generators, Alternators,
Receiving and Transmitting Tubes,
Resistance Heaters,
Resistors,
Switchgear,
Transformer (Fluid Fill),
(c) Metal Molding and Casting:
Nickel Casting,
Tin Casting,
Titanium Casting.
(d) Gum and Wood Chemicals:
Char and Charcoal Briquettes.
(e) Inorganic Chemicals Manufacturing:
Ammonium Chloride,
Ammonium Hydroxide,
Barium Carbonate,
Calcium Carbonate,
Carbon Dioxide,
Carbon Monoxide and By-product Hydrogen,
Hydrochloric Acid,
Hydrogen Peroxide (Organic Process),
Nitric Acid,
Oxygen and Nitrogen,
Potassium Iodide,
Sodium Chloride (Brine Mining Process),
Sodium Hydrosulfide,
Sodium Hydrosulfite,
Sodium Metal,
Sodium Silicate,
Sodium Thiosulfate,
Sulfur Dioxide,
Sulfuric Acid,
(f) Leather:
Gloves,
Luggage,
(g) Paving and Roofing:
Asphalt Concrete,
Asphalt Emulsion,
Linoleum,
Printed Asphalt Felt,
Roofing.
(h) Pulp, Paper, and Paperboard, and Builders' Paper and Board Mills:
Groundwood-Chemi-Mechanical.
(i) Rubber Manufacturing:

Tire and Inner Tube Plants,
Emulsion Crumb Rubber,
Solution Crumb Rubber,
Latex Rubber,
Small-sized General Molded, Extruded and Fabricated Rubber Plants,
Medium-sized General Molded, Extruded and Fabricated Rubber Plants,
Large-sized General Molded, Extruded and Fabricated Rubber Plants,
Wet Digestion Reclaimed Rubber,
Pan, Dry Digestion, and Mechanical Reclaimed Rubber,
Latex Dipped, Latex-Extruded, and Latex-Molded Rubber,
Latex Foam.
(j) Soap and Detergent Manufacturing:
Soap Manufacture by Batch Kettle,
Fatty Acid Manufacture by Fat Splitting,
Soap Manufacture by Fatty Acid,
Neutralization,
Glycerin Concentration,
Glycerin Distillation,
Manufacture of Soap Flakes and Powders,
Manufacture of Bar Soaps,
Manufacture of Liquid Soaps,
Manufacture of Spray Dried Detergents,
Manufacture of Liquid Detergents,
Manufacture of Dry Blended Detergents,
Manufacture of Drum Dried Detergents,
Manufacture of Detergent Bars and Cakes.
(k) Textile Mills:
Apparel Manufacturing,
Cordage and Twine,
Padding and Upholstery Filling.
(l) Timber Products Processing:
Barking Process,
Finishing Processes,
Hardboard-Dry Process.
(m) Footnotes.

The exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations.
Except for production attributed to lead-sheathed hose manufacturing operations.
Except for production attributed to chromic acid form-cleaning operations.
Except for production that generates zinc as a pollutant in discharge.

(2) Regulated pollutants eligible for a removal credit.

	Residuals Use or Disposal Practice	
Pollutant	Land Application (mg/Kg)	Surface Disposal (mg/Kg)
Arsenic	75	73
Cadmium	–	85
Chromium	–	600
Copper	4300	–

Lead	840	–
Mercury	57	–
Molybdenum	75	–
Nickel	420	420
Selenium	100	–
Zinc	7500	–

(3) The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in Chapter 62-296, F.A.C., are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Betahexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2, 4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

(4) Additional pollutants eligible for a removal credit.

	Residuals Use or Disposal Practice Surface Disposal			
Pollutant	LA	UL	L	I
Arsenic	–	–	100(1)	–
Aldrin/Dieldrin (Total)	2.7	–	–	–
Benzene	16(1)	140	3400	–
Benzo(a)pyrene	15	100(1)	100(1)	–
Bis(2-ethylhexyl)phthalate	–	100(1)	100(1)	–
Cadmium	–	100(1)	100(1)	–
Chlordane	86	100(1)	100(1)	–
Chromium (Total)	100	–	100(1)	–
Copper	–	46(1)	100(1)	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	–
2,4-Dichlorophenoxy-aceti	–	7	7	–
Fluoride	730	–	–	–
Heptachlor	7.4	–	–	–
Hexachlorobenzene	29	–	–	–
Hexachlorobutadiene	600	–	–	–
Iron	78(1)	–	–	–
Lead	–	100(1)	100(1)	–
Lindane	84	28(1)	28(1)	–
Malathion	–	0.63	0.63	–
Mercury	–	100(1)	100(1)	–
Molybdenim	–	40	40	–
Nickel	–	–	100(1)	–
N-Nitrosodimethylamine	2.1	0.088	0.088	–
Pentachlorophenol	30	–	–	–
Phenol	–	82	82	–

Polychlorinated biphenyls	4.6	<50	<50	–
Selenium	–	4.8	4.8	4.8
Toxaphene	10	26(1)	26(1)	–
Trichloroethene	10(1)	9500	10(1)	–
Zinc	–	4500	4500	4500

(a) Table abbreviations.

1. “LA” means land application.
2. “SD” means surface disposal.
3. “UL” means a disposal site without a liner and leachate collection system.
4. “L” means a disposal site with a liner and leachate collection system.
5. “I” means incineration.

(b) Footnotes.

The (1) in the above table indicates that the units are grams per kilograms – dry weight basis. All other values have the units milligrams per kilogram – dry weight basis.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History–New 11-29-94, Amended 1-8-97, 5-10-10.