



**GUIDE TO PERMITTING  
WASTEWATER FACILITIES OR  
ACTIVITIES UNDER  
CHAPTER 62-620, F.A.C.**

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## SECTION I: GENERAL INFORMATION

A. All applications shall include the following information. Additional requirements for information specific to the particular type of wastewater facility or activity are listed in subsequent sections of this guide and in the application forms referenced in Rule 62-620.910(2) through (8), F.A.C.

B. Items 1 through 7 can be submitted on DEP Form 62-620.910(1).

1. The activities conducted by the applicant which require it to obtain a permit;
2. Name, mailing address, and location of the facility or activity for which the application is submitted;
3. Up to four Standard Industrial Codes (SIC) which best reflect the principal products or services provided by the site or plant;
4. The permittee's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity;
5. A listing of all current State or Federal environmental permits and State or Federal construction approvals relating to the project described in the application for permit;
6. Topographic or other maps extending one mile beyond the site or plant boundaries, depicting:
  - a) The facility or activity and each of its intake and discharge structures;
  - b) Each of its hazardous waste treatment, storage, or disposal facilities or activities;
  - c) Each well where liquids from the facility or activity are injected underground; and
  - d) Those wells, springs, sinkholes, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area; and
  - e) All disposal or reuse land application systems, or residuals or industrial sludge land application sites;
7. A brief description of the nature of the business;

C. The application shall include the latitude and longitude coordinates for the facility or activity, each point of discharge, any land application site for effluent, reclaimed water, industrial sludge or residuals, and other applicable parts of the facility or activity, excluding the collection and transmission lines conveying sewage to a domestic wastewater treatment plant or conveying treated wastewater to the point of disposal or reuse. The application shall include the date the

coordinates were determined and the method used for obtaining each pair of measurements.

D. An applicant shall submit documentation under Rule 62-4.242(1), F.A.C., if applicable, that the proposed project complies with the antidegradation requirements set forth in Rule 62-302.300, F.A.C.

E. An applicant for a permit for a new wastewater facility or activity, or for substantial modifications to an existing wastewater facility or activity, shall submit in accordance with Rule 62-620.410(3), F.A.C., a preliminary design report, an engineering plan, or other information, for review by the Department as part of the application for permit.

F. An applicant shall submit documentation with the application providing reasonable assurances that the criteria in Chapters 62-302, 62-520, 62-522, 62-528, 62-600, 62-610, 62-611, 62-640, 62-650, 62-660, 62-670, 62-671, 62-672, 62-673, F.A.C., and all other Department rules, as applicable, shall be met.

## **SECTION II: SPECIFIC PROVISIONS FOR NEW FACILITIES OR ACTIVITIES**

### **PRELIMINARY DESIGN OR ENGINEERING REPORT**

A. An applicant for a permit for a new or substantially modified wastewater facility or activity shall prepare documents which describe the proposed facility or activity or modification to an existing facility or activity and which show that the facility or activity will reasonably be expected to not cause or contribute to a violation of water quality standards.

B. An applicant for a permit for an industrial wastewater facility or activity shall provide an engineering report containing:

1. a description of the plant and plant operations;
2. types and quantities of all waste material to be generated whether liquid, gaseous or solid;
3. proposed waste control facilities;
4. the treatment objectives;
5. the design criteria on which the control facilities are based;
6. design information for all discharge points or outfalls discharging to ground or surface waters including a:
  - a) discussion of the antidegradation requirements of Rule 62-4.242, F.A.C.,
  - b) discussion of the receiving water body classification and corresponding water quality standards,
  - c) discussion of any considerations to be given to the receiving water body or contiguous waters such as any designated Outstanding Florida Waters or Outstanding National Resource Waters described in Chapter 62-302, F.A.C.,
  - d) discussion of the applicable water quality based effluent limitations as determined in accordance with Chapter 62-650, F.A.C.; and
  - e) site-specific information, such as types and quantities of materials delivered to and stored at the proposed site or plant from which pollutants or wastes may spill or be washed during storm events and the proposed methods for containment and clean-up when appropriate.

C. An applicant for a permit for a domestic wastewater facility shall provide a preliminary

design report containing:

1. Population - current and design year projections for the population to be served;
2. Description and map of service area and land use projections for the current and design years;
3. Forecasts of flow and wastewater characteristics for current and design years of:
  - a) Physical, chemical, and biological characteristics and concentrations,
  - b) Wastewater flow patterns described in terms of maximum monthly average daily flow, three-month average daily flow, annual average daily flow, maximum daily flow, minimum 24-hour flow and peak hourly flow during current and design years, and
  - c) Domestic, industrial, and infiltration/inflow contributions;
4. Site plan showing operations and unit processes; 100-year and 25-year flood elevations; approximate finish elevations for all major treatment units, pumping stations, and sanitary manholes; and a stormwater management plan;
5. An assessment of environmental effects of the project, including odor and noise control, public accessibility, proximity to existing and proposed residential areas, flood protection, lighting, and aerosol drift;
6. Disposal methods or reuse options selected, required levels of treatment, and selected treatment processes;
7. Technical information and design criteria for treatment facilities, including:
  - a) Hydraulic and organic loadings - minimum, average, and maximum quantities for the liquid and solids treatment processes,
  - b) Flow metering and sampling provision,
  - c) Recycle flows within the treatment plant,
  - d) Chemical addition facilities, including disinfection and technical information addressing dechlorination, if applicable,
  - e) Removals, reclaimed water or effluent concentrations with separate tabulation for each unit handling solid and liquid fractions with supporting data including design calculations,
  - f) Documentation supporting chlorine doses and residuals and contact times used as the basis of design, if chlorine is used for disinfection, and
  - g) Residuals treatment, management, and disposal including on-site storage needs or alternate disposal methods;
8. Process diagrams, including:

- a) Expected dimensions of unit operations and processes, capacities and volumes,
- b) Process configuration,
- c) Hydraulic profile,
- d) Organic loading profile,
- e) Solids profile,
- f) Solids control system, and
- g) Flow diagram with capacities;

9. Operation and control strategies included for prevention of upsets, alternate disposal methods, and reliability classification and features;

10. Design information for outfalls discharging to coastal or open ocean waters including:

- a) Bottom profiles of the route selected for the outfall and typical cross-sections for outfall segments, joints, and diffuser, if applicable,
- b) Description of all materials to be used and an outline of construction procedures as well as design considerations in Rule 62-600.510(6), F.A.C.,
- c) Description of structural protection for the outfall, and
- d) Discussion of the disinfection process to be used and the operating criteria proposed to ensure that microbiological requirements will be met; and

11. Design information for all outfalls discharging to surface waters including:

- a) Discussion of the antidegradation requirements of Rule 62-4.242, F.A.C.,
- b) Discussion of the receiving water body classification and corresponding water quality standards,
- c) Discussion of any considerations to be given to the receiving water body or contiguous waters such as any designated Outstanding Florida Waters or Outstanding National Resource Waters described in Chapter 62-302, F.A.C., and
- d) Discussion of the applicable water quality based effluent limitations as determined in accordance with Chapter 62-650, F.A.C.

12. Additional requirements for the preliminary design report are:

- a) For reuse of reclaimed water and land application systems, Chapter 62-610, F.A.C.,
- b) For new Class I and V underground injection facilities or modification of such facilities, Chapter 62-528, F.A.C.,
- c) For residuals management and land application, Chapter 62-640, F.A.C., and
- d) For wetlands treatment and discharge systems, Chapter 62-611, F.A.C.

D. An engineering report or preliminary design report shall be signed and sealed by a professional engineer registered in Florida who is designated by the applicant as the engineer of



record.

## **NEW SOURCES AND NEW DISCHARGERS**

A. Except as otherwise provided in an applicable new source performance standard under Chapter 62-660, F.A.C., a source is a "new source" if it meets the definition of "new source" in Rule 62-620.200, F.A.C., and:

1. It is constructed at a site at which no other source is located;
2. It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. Its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the Department shall consider such factors 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.

B. A source meeting the requirements above is a new source only if a new source performance standard is independently applicable to it. If there is no such independently applicable standard, the source is a new discharger.

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

D. Construction of a new source has commenced if the permittee 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 paragraph.

E. Except as provided below, any new discharger or new source which meets the applicable promulgated new source performance standards before the commencement of discharge shall not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under section 301(b)(2) of the CWA for whichever of the following periods ends first:

1. Ten years from the date that construction is completed;
2. Ten years from the date the source begins to discharge process or other non-construction related wastewater; or
3. The period of depreciation or amortization of the facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954.

F. The protection from more stringent standards of performance afforded by the preceding paragraph does not apply to:

1. Additional or more stringent permit conditions which are not technology-based such as conditions based on water quality standards, toxic effluent standards, or prohibitions under section 307(a) of the CWA; or
2. Additional permit conditions controlling toxic pollutants or hazardous substances which are not controlled by new source performance standards. This includes permit conditions controlling pollutants other than those identified as toxic pollutants or hazardous substances when control of these pollutants has been specifically identified as the method to control the toxic pollutants or hazardous substances.

G. When a permit issued to a source which is protected will expire on or after the expiration of the protection period, that permit shall require the permittee to comply with the requirements of section 301 or any other then applicable requirements of the CWA immediately upon the expiration of the protection period. If the applicable requirements were promulgated less than 3 years before the expiration of the protection period, an additional period up to three years from the date the requirements were promulgated shall be allowed for achieving compliance with these requirements. No other extension of time for compliance shall be granted. After the end of the protection period, a source operated out of compliance with the requirements of section 301 or any other than applicable requirements shall be in violation of the CWA.

H. The permittee shall install, have in operating condition, and shall start-up all pollution control equipment required to meet the conditions of the permit before beginning to discharge. Within the shortest feasible time after beginning to discharge, but not to exceed 90 days, the permittee shall meet all permit conditions. The requirements of this paragraph do not apply if the permittee is issued a permit containing a compliance schedule under Rule 62-620.620(5), F.A.C.

I. After the effective date of new source performance standards, it shall be unlawful for any owner of any new source to operate the source in violation of those standards applicable to the source, except as described here.

## **RECORD DRAWINGS**

A. Record drawings shall be prepared for new wastewater facilities or activities or for substantial modification to existing wastewater facilities or activities under Chapter 62-620, F.A.C. These drawings do not need to be prepared until the permit is issued and the facility constructed.

B. Record drawings shall include a set of plans and specifications which identify substantial deviations, referenced in the notification of completion of construction, that have occurred since the initial permit was issued.

C. Record drawings shall be furnished to the permittee by the contractor and shall be based on information gathered and prepared under his direction. Record drawings shall be reviewed to determine their adequacy by an engineer registered in Florida. The engineer shall be the project design engineer or an engineer who has been retained by the permittee to provide professional engineering services during the construction phase of project completion.

D. Notification of availability of record drawings is not required before placing a facility or activity into operation but shall be filed with the Department within six months of completion of construction. Notification shall be made on DEP Form 62-620.910(13).

## **SECTION III: APPLICATION REQUIREMENTS FOR SPECIFIC FACILITIES OR ACTIVITIES**

In addition to DEP Form 62-620.910(1) which contains general information about a facility or activity, an applicant is required to complete one or more of the following applications which contains specific information. If an applicant is required to complete multiple applications in addition to Form 62-620.910(1) to adequately describe the proposed facility or activity, only the relevant portions of any application should be completed. Duplicative information should be avoided unless required for clarity.

When an applicant has two or more discharge points or outfalls with substantially identical effluents, the applicant may request permission to sample only one discharge point or outfall and report that the quantitative data also applies to the other substantially identical discharge points or outfalls. The Department shall grant such request upon an applicant's demonstration, which may consist of flow diagrams and test results, that the effluents are substantially identical. The applicant may also request permission to composite samples from one or more outfalls that discharge into the same mixing zone.

### **NEW OR EXISTING INDUSTRIAL WASTEWATER FACILITIES**

A. This subsection provides the requirements for an application for a permit to discharge process wastewater or non-process wastewater into waters when effluent guidelines or new source performance standards have been promulgated. This includes an application for a permit for a new industrial facility or activity; for a revision to a permit to substantially modify a permitted industrial facility or activity; or for renewal of an existing wastewater permit. Application for a permit shall be made on DEP Form 62-620.910(1), and DEP Form 62-620.910(4), or (5), as applicable.

B. An applicant shall provide the following information in addition to the general information required in Section I of this Guide:

1. The method of effluent disposal, including the name and classification of the receiving surface or ground water at each discharge point;
2. The expected date of discharge from a newly constructed or modified facility or activity;
3. A line drawing of the water flow through the facility which includes a water balance and shows operations contributing wastewater to the effluent and associated treatment units. Similar processes, operations, or production areas may be indicated as a single unit and labeled to correspond to the more detailed identification required in paragraph 4. below. The

water balance must show approximate average daily flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

4. A narrative description of each type of process, operation, or production area which contributes wastewater to the effluent for each discharge point or outfall, including: process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or liquid waste other than by effluent discharge. A process, operation, or production area may be described in general terms. This information shall include the identity of each industrial user of the treatment works. The average flow of a point source composed of stormwater may be estimated. The basis for the rainfall event and the method of estimation must be indicated. If any discharge described in this subsection is intermittent or seasonal, include a description of the frequency, duration, and flow rate of the discharge occurrence except for stormwater runoff, spillage, or leaks.

5. If an effluent guideline under Rule 62-660.400, F.A.C., applies to the facility or activity and is expressed in terms of production (or other measure of operation), a reasonable measure of the actual production of the facility, except for new sources or new dischargers which may use estimates based on projected production.

6. For a new source or a new discharger, if a new source performance standard or an effluent limitation guideline under Rule 62-660.400, F.A.C., applies to the facility or activity and is expressed in terms of production, a reasonable measure of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard for each of the first three years. Alternative estimates may also be submitted if production is likely to vary.

7. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading, or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

8. Applicants for permits for new or substantially modified facilities or activities shall submit estimates of each of the pollutants that will be found in their effluent. All levels shall be estimated as concentration and as total mass, except for flow, pH and temperature. Flow shall be estimated as volume (million gallons per day), pH as Standard Units, and temperature as degrees centigrade. All other applicants shall submit quantitative data on the effluent discharge for:

- a) Biochemical Oxygen Demand (BOD<sub>5</sub>),
- b) Chemical Oxygen Demand (COD),

- c) Total Organic Carbon (TOC),
- d) Total Suspended Solids (TSS),
- e) Ammonia (as N),
- f) Temperature (both winter and summer),
- g) pH,
- h) Average daily flow (for new facilities),
- i) Total Nitrogen (as N), and
- j) Total Phosphorus (as P).

9. The requirement in paragraph 8. of this section for estimated levels or quantitative data does not apply to pollutants present in a discharge solely as a result of their presence in intake water if the facility proposes to discharge the effluent to the source of the intake water; however, an applicant must report such pollutants as present, if the applicant knows or has reason to believe they are present.

10. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus. For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, the Department shall waive composite sampling for any discharge point or outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged. Sampling shall be conducted in accordance with Rule 62-4.246 and Chapter 62-160, F.A.C., and 40 CFR 136.

11. Applicants for renewal of an existing wastewater permit shall submit the following:

- a) Quantitative data on pollutants, listed in Appendix D of 40 CFR 122, unless otherwise suspended, that are discharged from each discharge point or outfall containing process wastewater, if the applicant has a discharge from processes in one or more of the primary industry categories listed in Appendix A of 40 CFR 122.
- b) A listing of toxic pollutants which the applicant plans to use or manufacture as an intermediate or final product or by-product. The Department shall revise this requirement if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and provides information that satisfies the requirements of Rule 62-620.335, F.A.C., for renewal of an existing wastewater permit.
- c) For each applicant with a discharge of wastes into surface waters, an identification of any biological toxicity test which the applicant knows or has reason to believe has been made within the last 3 years on any of the applicant's discharges or on the receiving waters in relation to the discharge.

12. An applicant for a permit for a new facility or activity or, when applicable, a modified facility or activity shall submit the following:

a) Estimated daily maximum, daily average, and source of information for each discharge point or outfall of all pollutants in Table IV of Appendix D of 40 CFR 122 (certain conventional and non-conventional pollutants) if the applicant knows or has reason to believe they will be present or if they are limited by an effluent limitation guideline or a new source performance standard either directly or indirectly through limitations on an indicator pollutant;

b) Estimated daily maximum, daily average and source of information for the following pollutants if the applicant knows or has reason to believe that they will be present in the discharges from any discharge or outfall

- 1) The pollutants listed in Table III of Appendix D of 40 CFR 122 (toxic metals, total cyanide, and total phenols),
- 2) Organic toxic pollutants in Table II of Appendix D of 40 CFR 122 (except for bis (chloromethyl) ether, dichlorofluoromethane and trichlorofluoro-methane), and
- 3) The pollutants listed in Table V of Appendix D of 40 CFR 122 (certain hazardous substances, no quantitative estimates are required unless they are already available); and

c) The applicant is required to report that 2,3,7,8 Tetrachlorodibenzo P-Dioxin (TCDD) may be discharged if he uses or manufactures one of the following compounds, or if he knows or has reason to believe that TCDD will or may be present in an effluent

- 1) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS #93-72-1),
- 2) (2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #92-72-1),
- 3) (2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-24-4),
- 4) 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnell) (CAS #299-84-3),
- 5) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4), or
- 6) Hexachlorophene (HCP) (CAS #70-30-4).

C. The applicant may request that the Department waive all or part of the testing in this section by submitting a request for such waiver before or with his application. The Department shall grant such request upon the applicant's demonstration that information which satisfies the requirements of this chapter for issuance of a permit can be obtained through less stringent requirements.

D. If estimates are submitted under paragraph 8. above, the quantitative data required must be provided within six months, if available, but no later than two years after commencement of discharge. The data may be provided as a part of the monitoring requirements of the permit.

E. Sampling and monitoring data shall be collected and analyzed in accordance with 40 CFR 136, and Rules 62-4.246 and 62-160, F.A.C.

F. Each applicant for a permit for a new facility must report the existence of any technical evaluation of the proposed wastewater treatment process, along with the name and location of similar plants of which he has knowledge.

G. In addition to the information reported on the application form, an applicant shall provide such other information requested by the Department under Rule 62-620.510, F.A.C., which shows that reasonable assurance exists for issuance of a permit.

### **DISCHARGES OF NON-PROCESS WASTEWATER**

A. This subsection provides the requirements for an application for a permit to discharge non-process wastewater into waters, except when effluent guidelines or new source performance standards have been promulgated. If effluent guidelines or new source performance standards have been promulgated, the application requirements are contained in the preceding part (New or Existing Industrial Wastewater Facilities) of this Guide. This subsection includes an application for a permit for new industrial wastewater facility or activity; for a revision to a permit to substantially modify a permitted industrial wastewater facility or activity; or for renewal of an existing wastewater permit. An application shall be made on DEP Form 62-620.910(1) and DEP Form 62-620.910(6) or (7), as applicable.

B. An applicant shall provide the following information in addition to the information required by Section I of this Guide:

1. The name and classification of the receiving water and the location and identification number of the discharge point or outfall;
2. For new dischargers, the date of expected commencement of discharge;
3. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or noncontact cooling water;
4. An identification of cooling water additives, if any, that are used or expected to be used upon commencement of operations, along with their composition if known;
5. Applicants for a permit for new or substantially modified facilities or activities shall submit estimates of each of the following pollutants that will be found in their effluent. All



levels shall be estimated as concentration and as total mass, except for flow, pH and temperature. Flow shall be estimated as volume (million gallons per day), pH as Standard Units, and temperature as degrees centigrade. All other applicants shall submit at a minimum quantitative data on the effluent discharge for:

- a) Biochemical Oxygen Demand (BOD<sub>5</sub>),
- b) Chemical Oxygen Demand (COD),
- c) Total Organic Carbon (TOC),
- d) Total Suspended Solids (TSS),
- e) Ammonia (as N),
- f) Temperature (both winter and summer),
- g) pH,
- h) Average Daily Discharge flow,
- i) Fecal coliform, if believed present or treated sanitary waste is or will be discharged,
- j) Total residual chlorine, if chlorine is used, and
- k) Oil and grease;

6. Grab samples must be used for pH, temperature, oil and grease, total residual chlorine, and fecal coliform. For all other pollutants, 24-hour composite samples shall be used. Sampling and monitoring data shall be collected and analyzed in accordance with 40 CFR 136, Rule 62-4.246 and Chapter 62-160, F.A.C.;

7. A description of the frequency of flow and duration of any seasonal or intermittent discharge except for stormwater runoff, leaks, or spills;

8. A brief description of any treatment system used or to be used; and

9. Any additional information the applicant wishes to be considered.

C. The applicant may request that the Department waive all or part of the testing in paragraph 5. above by submitting a request for such waiver before or with his application. The Department shall grant such request upon the applicant's demonstration that information which satisfies the requirements of this chapter for issuance of a permit can be obtained through less stringent requirements.

D. If the applicant is a new discharger, the quantitative data required in paragraph 5. above must be provided within six months, if available, but no later than two years after commencement of discharge. The data may be provided as a part of the monitoring requirements of the permit.

E. The requirements of paragraph 5. above do not apply to pollutants present in a discharge solely as a result of their presence in intake water if the facility proposes to discharge the non-process wastewater to the source of the intake water. However, an applicant shall report such

pollutants as present.

F. In addition to the information reported on the application form, an applicant shall provide such other information requested by the Department under Rule 62-620.510, F.A.C., which shows that reasonable assurance exists for issuance of a permit.

### **NEW AND EXISTING ANIMAL FEEDING OPERATIONS**

A. Applicants for permits for new and existing animal feeding operations are subject to the permitting requirements of Chapter 62-670, F.A.C., and this Guide.

B. Applicants for permits for new and existing concentrated animal feeding operations, as defined in Chapter 62-670, F.A.C., and DEP Form 62-620.910(3), shall provide the information listed in paragraph C. below in addition to the information required in Section I of this Guide and Chapter 62-670, F.A.C.

C. An application shall be made on DEP Forms 62-620.910(1) and (3) and shall include:

1. The type and number of animals in open confinement and housed under roof;
2. Number of acres used for confinement feeding; and
3. The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

### **NEW AND EXISTING AQUATIC ANIMAL PRODUCTION FACILITIES**

A. Applicants for permits for new and existing aquatic animal production facilities or activities are subject to the permitting requirements of Chapter 62-660 and this subsection.

B. Applicants for permits for concentrated aquatic animal production facilities or activities shall provide the information listed in this subsection in addition to the information required by Section I of this Guide and Chapter 62-660, F.A.C.

C. A concentrated aquatic animal production facility is a hatchery, fish farm, or other facility that contains, grows, or holds fish species or other aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

1. Closed ponds which discharge only during periods of excess runoff; or
2. Facilities that produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

D. The Department shall designate any aquatic animal production facility or activity as a concentrated aquatic animal production facility upon determining that it is a significant discharger of wastes into waters. An aquatic animal production facility or activity shall not be designated under this subsection until there has been an on-site inspection of the facility or activity. In making this designation, factors shall be considered such as:

1. The location and quality of the receiving waters;
2. The holding, feeding and production capacities of the facility or activity; and
3. The quantity and nature of the pollutants reaching waters of the State.

E. Applicants for a permit for new and existing aquatic animal production facilities or activities shall make application on DEP Forms 62-620.910(1) and (3). Applicants for a permit for a concentrated aquatic animal production facility shall make application on DEP Forms 62-620.910(1) and (4). All applicants shall provide the following information in addition to the information required in Section I of this Guide:

1. The maximum daily and average monthly flow from each outfall;
2. The number of ponds, raceways, and similar structures;
3. The name of the receiving water and the source of intake water;
4. For each species of aquatic animals, the total yearly and maximum harvestable weight; and
5. The calendar month of maximum feeding and the total mass of food fed during that month.

### **STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY**

A. This subsection provides the additional application requirements for the discharge of stormwater associated with industrial activity to surface waters of the State.

B. If the facility or activity is not covered by a generic permit under Chapter 62-621, F.A.C., and is not a municipal separate storm sewer system (MS4) permitted under Chapter 62-624, F.A.C., the discharge of stormwater associated with industrial activity to surface waters of the State shall be permitted under Chapter 62-620, F.A.C. Application shall be made on DEP Forms 62-620.910(1) and (8).

C. All sampling and monitoring required by the application or by an issued permit shall be in accordance with Rule 62-4.246 and Chapter 62-160, F.A.C., 40 CFR 136 and 40 CFR 122.21(g)(7).

### **NEW DOMESTIC WASTEWATER FACILITIES AND SUBSTANTIAL MODIFICATIONS TO EXISTING FACILITIES**

A. This subsection provides the requirements for an application for a permit to discharge wastewater from public and private wastewater facilities treating domestic wastewater. This includes an application for a permit for a new domestic wastewater facility, or for a revision to a permit to substantially modify a permitted domestic facility. Applications for permits to construct collection and transmission systems shall be made under Chapter 62-604, F.A.C. Application under this subsection shall be made on DEP Forms 62-620.910(1) and (2).

B. The applicant shall submit as part of the application a preliminary design report.

1. The preliminary design report and any detailed plans and specifications shall be signed and sealed by the engineer of record.

2. The preliminary design report shall contain the appropriate information requested in Section II of this Guide., and, for reuse and land application systems, Chapter 62-610, F.A.C. If a sufficient preliminary design report is submitted, the Department shall not withhold action on a wastewater facility permit application for lack of detailed plans and specifications, unless they are required for Federal or State funding.

C. The application shall include the following:

1. A process flow diagram showing the capacities of the facility;

2. A site plan showing the operations and unit processes;

3. For modifications to existing facilities, a capacity analysis report if required by Chapter 62-600, F.A.C., and

4. If applicable, for inclusion in the draft permit, proposed schedules for construction, including dates for completion of detailed plans and specifications, start of construction, placing the facility in operation, and compliance with reclaimed water or effluent limitations; and design treatment levels for reclaimed water or effluent flow and quality.

D. For facilities that use land application as a method of residuals disposal, the application shall include an Agricultural Use Plan or Dedicated Site Plan as described in Chapter 62-640, F.A.C. Residuals which qualify as AA quality in accordance with Chapter 62-640, F.A.C., are exempt

from this requirement and may be used under the provisions of Chapter 62-640, F.A.C.

E. For new, substantially modified, and existing facilities discharging to surface waters, the application shall provide the results of valid whole effluent biological toxicity testing if the treatment works has:

1. A design influent flow equal to or greater than 1 MGD;
2. An approved pretreatment program, or is required to develop a pretreatment program; or
3. Received notification from the Department described in the paragraph below.

F. For new, substantially modified, or existing facilities discharging wastes into surface waters, the Department shall require whole effluent toxicity testing under paragraph (c) above based on the following:

1. The variability of the pollutants or pollutant parameters in the effluent indicated by chemical-specific information, the type of treatment facility, and types of industrial contribution to the influent of the treatment works;
2. The dilution of the effluent in the receiving water indicated by the ratio of the effluent flow to the receiving water flow;
3. Existing controls on point or non-point sources, including total maximum daily load calculations for the water body segment and the relative contribution of the treatment works;
4. The characteristics of the receiving waters including possible or known water quality impairment and whether the treatment works discharge to a coastal waters or Outstanding Florida Waters; and
5. Site-specific considerations including the history of toxic impact or compliance problems at the treatment works which cause or contribute to adverse water quality impacts.

G. All toxicity testing shall be in accordance with 40 CFR 136, Rule 62-4.246 and Chapter 62-160, F.A.C. Such testing shall have been conducted since the last permit reissuance or permit revision whichever occurred last. If more than one set of tests has been conducted, the most recent testing shall be submitted.

H. Section 367.031, F.S., provides that new domestic wastewater treatment plants serving an area located in a county regulated by the Public Service Commission must obtain a certificate of authorization prior to being issued a permit by the Department. An application for a permit under this chapter for a new domestic wastewater treatment plant shall include the notification number and a copy of the certificate.

I. For projects involving the discharge of reclaimed water or effluent onto property not owned or under the direct control of the permittee, the application shall include a binding agreement, between the applicant and the property owner, generally for the term of the useful life of any treatment, reuse, or disposal facilities, to ensure adequate operation and maintenance of facilities. For reuse projects permitted under part III of Chapter 62-610, F.A.C., the permittee shall submit documentation of controls on individual users of reclaimed water through detailed agreements or by local ordinances as set forth in Chapter 62-610, F.A.C.

J. In accordance with section 403.064, F.S., if the project is located in an area that has been designated as a water resource caution area by the Water Management District, a reuse feasibility study as set forth in Rule 62-610.820, F.A.C., shall be submitted with the application.

K. If the application for permit proposes to use golf course lakes as storage facilities for reclaimed water and these lakes also serve as part of a stormwater management system, the application shall demonstrate that the lakes have sufficient capacity for both stormwater management and storage of reclaimed water in accordance with Chapter 62-610, part III, F.A.C.

### **RENEWAL OF A DOMESTIC WASTEWATER FACILITY PERMIT**

A. This subsection provides the application requirements for renewal of a permit for a domestic wastewater facility, except for collection and transmission systems which are permitted under Chapter 62-604, F.A.C.

B. The applicant and his professional engineer shall provide the certifications required in DEP Forms 62-620.910(1) and (2).

C. The application shall include:

1. The most recent capacity analysis report, if required by Chapter 62-600, F.A.C.;
2. An operation and maintenance performance report pursuant to Chapter 62-600, F.A.C.;
3. A process flow diagram showing the current status and current capacity of the facility;
4. A site plan showing the current operations and unit processes;
5. For a facility that uses land application as a method of residuals disposal, if applicable, an updated Agricultural Use Plan or Dedicated Site Plan as described in Chapter 62-640, F.A.C.;
6. For a facility discharging into surface waters, the results of valid whole effluent

biological toxicity testing if the treatment works has:

- a) A design influent flow equal to or greater than 1 MGD;
- b) An approved pretreatment program, or is required to develop a pretreatment program; or
- c) Received notification from the Department as described in 2.;

or, the results of valid whole effluent biological toxicity testing if:

- d) The variability of the pollutants or pollutant parameters in the effluent indicated by chemical-specific information, the type of treatment facility, and types of industrial contribution to the influent of the treatment works;
- e) The dilution of the effluent in the receiving water indicated by the ratio of the effluent flow to the receiving water flow;
- d) Existing controls on point or non-point sources, including total maximum daily load calculations for the water body segment and the relative contribution of the treatment works;
- e) The characteristics of the receiving waters including possible or known water quality impairment and whether the treatment works discharge to a coastal waters or Outstanding Florida Waters; and
- f) Site-specific considerations including the history of toxic impact or compliance problems at the treatment works which the Department determines could cause or contribute to adverse water quality impacts.

7. For a facility discharging into ground waters and having a permitted capacity of 100,000 GPD or greater, a Reclaimed Water or Effluent Analysis Report required in Chapter 62-601, F.A.C.; and

8. For a facility discharging into an underground injection control system, the results of mechanical integrity tests in accordance with Chapter 62-528, F.A.C.

D. For a project involving the discharge of reclaimed water or effluent onto property not owned or under the direct control of the permittee, the application shall include a binding agreement, between the applicant and the property owner, generally for the term of the useful life of any treatment, reuse, or disposal facility, to ensure adequate operation and maintenance of a facility. For a reuse project permitted under part III of Chapter 62-610, F.A.C., the permittee shall submit documentation of controls on individual users of reclaimed water as set forth in Chapter 62-610, F.A.C.

E. For a wastewater facility with an approved pretreatment program, the applicant shall provide the Department with a written technical evaluation of the need to revise local limits in accordance with Chapter 62-625, F.A.C.

F. In accordance with section 403.064, F.S., if the project is located in an area that has been designated as a water resource caution area by the Water Management District, a reuse feasibility study as set forth in Rule 62-610.820, F.A.C., shall be submitted with the application.

### **NEW OR EXISTING DEMINERALIZATION CONCENTRATE DISCHARGES**

A. This subsection provides the requirements for an application for a permit to discharge demineralization concentrate. Application for a new permit, renewal of an existing permit, or a substantial permit revision shall be made on DEP Form 62-620.910(1) ("Form 1, General Information") and DEP Form 62-620.910(18) ("Form 2DC, Application for a Permit to Discharge Demineralization Concentrate"). Application for a minor permit revision shall be made on Form 1 and DEP Form 62-620.910(9) ("Application for Minor Revision to a Wastewater Facility or Activity"). Applicants should refer to Rules 62-620.625(6) and 62-4.244(3)(d), F.A.C., for specific requirements applicable to discharge of demineralization concentrate.

B. Applicants are strongly urged to meet with Department permitting staff during the development of the information that will be submitted in support of the permit application.

C. Surface water modeling by the applicant should include the following:

(1) Characterization of the physical outfall and ambient conditions sufficient to conduct preliminary modeling will be required. This would include information such as outfall location with respect to the shoreline, depth of water at low tide, height of port off the bottom, port diameter, orientation of the port with respect to the water column (vertical, horizontal, etc.), orientation of port with respect to the shoreline (perpendicular, parallel etc.). Seasonal density profiles of the effluent and area in the vicinity of the outfall, including an evaluation of the potential for the receiving water to be stratified.

(2) For marine waters or estuaries, an examination of the receiving water salinity and temperature data should be conducted to determine the potential for stratification. If there is a potential for stratification to occur, an evaluation of its effect on the requested mixing zones will be necessary. Worst case re-entrainment or "build-up" due to tidal reversals must also be addressed. The actual data used in the analysis, any calculations, as well as the results should be provided for Department review.

(3) Applicants should consult with District permitting Staff and the Watershed Assessment Section for specific modeling guidance.

D. The Department does not require bench-scale or pilot-scale testing for permitting demineralization concentrate discharge. The Applicant may conduct such testing, however, at its own discretion. New facilities, as part of the application package, may provide a desktop engineering analysis with backup calculations demonstrating that the treatment system can meet water quality standards. The analysis should address influent water quality, removal efficiencies for each unit process, effluent characteristics, and other appropriate engineering data used to develop design criteria for the system.



E. Source water quality characterization is necessary for the engineering design of demineralization systems, evaluation of demineralization concentrate discharge characteristics, and identification of appropriate discharge monitoring parameters. Therefore, Applicants must provide acceptable source water characterization as part of DEP Form 2DC, Application for a Permit to Discharge Demineralization Concentrate. Applicants should consult with District permitting Staff regarding source water data before submitting an application.

F. Sampling and monitoring data shall be collected and analyzed in accordance with 40 CFR 136, Rule 62-4.246, F.A.C, and Chapter 62-160, F.A.C.

G. The following section contains items for implementing the toxicity related provisions of Section 403.0882, F.S., and Rules 62-620.625(6)(c) and (d), F.A.C., which apply to surface water discharge, but do not apply to groundwater discharge.

#### General Provisions

1. Facilities permitted under Rule 62-620.625(6)(c), F.A.C., will not be required to seek a variance for acute toxicity where they meet the provisions outlined in Section 403.0882, F.S. The provisions of Section 403.0882(4), F.S., apply to all facilities that discharge demineralization concentrate to waters of the state where the failure of a whole effluent toxicity test is predominantly due to naturally occurring constituents in a source water and where ionic imbalance is demonstrated pursuant to Rule 62-4.244(3)(d), F.A.C.
2. It is expected that both the larger and small water utility businesses will need to provide basic effluent characterization as part of the permit application process. Accordingly, it is expected that an ion characterization for the proposed discharge for the following parameters would be appropriate: calcium, magnesium, potassium, sodium, chloride, bromide, sulfate, alkalinity, specific conductivity/salinity, carbonate, and fluoride. Also, it is expected that a wastewater characterization for the parameters listed in Section 403.086(4), F.S., (CBOD, total suspended solids, total nitrogen, total phosphorus, and fecal coliforms) should be provided for the small water utility businesses based on the provision in Section 403.0882(6)(a)1., F.S.

#### Discharge Size Dependent Provisions

##### I. SMALL WATER UTILITY BUSINESSES DISCHARGING CONCENTRATE OF LESS THAN 50,000 GPD:

1. For small water utility businesses, the permit application should provide sufficient information to provide reasonable assurance that the discharge will meet the presumption of allowability and permissibility requirements of Section 403.0882(6), F.S.

2. When Department performed toxicity testing or the permit application shows that a small water utility business cannot meet the acute toxicity requirements of paragraph 62-4.244(3)(a), F.A.C., (i.e., LC50>100% effluent) due to naturally occurring constituents in the source water, as specified in Section 403.0882(4)(a), F.S., the application should include the following information:
  - a. Discharge rate and location information to demonstrate whether the facility has sufficient mixing to achieve a 4:1 dilution in a distance equal or less than 2 times (2x) the water depth; and
  - b. Discharge information indicating whether it is expected that the discharge will be able to meet acute toxicity requirements within the 4:1 dilution mixing zone, as described in Rule 62-4.244(3)(d)2., F.A.C. Under the rule, an applicant can provide reasonable assurance by demonstrating that a 20% dilution of the effluent does not cause any more than 50% mortality in 96 hours (96-hr LC50), in an appropriate species. Toxicity testing for this purpose may be conducted at the time of a new permit application, renewal, or modification.

## II. LARGER DEMINERALIZATION CONCENTRATE DISCHARGES OF 50,000 GPD OR MORE:

1. When toxicity testing shows that a demineralization discharge of 50,000 gpd or more cannot meet the acute toxicity requirements of paragraph 62-4.244(3)(a), F.A.C., (i.e., LC50>100% effluent) and the Applicant wishes to show that the toxicity is due to ionic imbalance, then the application should include the following information:
  - a. The results of the MSIT Protocol (Major Seawater Ion Imbalance Toxicity) shall be included in Form 2DC; and
  - b. Discharge rate and location information to indicate the dilution available for mixing in a distance equal or less than 2 times (2x) the water depth, as prescribed by Section 403.0882(4)(b), F.S.; and
  - c. Based on items II.1.a. and b., above, information indicating whether the discharge is expected to meet the acute toxicity requirements within the allowable mixing zone pursuant to Rule 62-4.244(3)(d), F.A.C. For example, a permittee could demonstrate the ability to meet this requirement by conducting an acute toxicity test using an effluent fraction equivalent to the available dilution or by providing similar information from

representative membrane performance, design studies, and/or source water evaluations.

2. The facility would also be required to meet the chronic toxicity provisions in Chapter 62-302, F.A.C., by demonstrating the ability to be approved for a chronic toxicity mixing zone.
3. Facilities that cannot meet the mixing zone provisions in Rule 62-4.244(3)(d), F.A.C. are encouraged to discuss permitting options with the Department District office.

### **ADDITIONAL APPLICATION AND PERMIT REQUIREMENTS FOR SPECIFIC FACILITIES OR ACTIVITIES**

- A. For a project involving reuse of reclaimed water, use of wetlands for treatment and disposal of domestic wastewater, or underground injection of reclaimed water or effluent, additional application and permit requirements are contained in Chapters 62-610, 62-611, and 62-528, F.A.C., respectively.
- B. For construction of a domestic wastewater collection and transmission system, application and permit requirements are contained in Chapter 62-604, F.A.C.
- C. For a project involving discharges of wastes into surface waters, additional application requirements are contained in Rule 62-4.242, F.A.C.

## **SECTION IV: ADDITIONAL INFORMATION ON PERMITTING**

### **COORDINATION WITH THE U.S. ARMY CORPS OF ENGINEERS AND OTHER GOVERNMENT AGENCIES**

#### ***U. S. ARMY CORPS OF ENGINEERS***

A. If during the comment period for a draft permit for a discharge regulated pursuant to section 403.0885, F.S., the District Engineer of the U.S. Army Corps of Engineers advises the Department in writing that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the permit shall be denied and the applicant so notified.

B. If during the comment period for a draft permit for a discharge regulated pursuant to section 403.0885, F.S., the District Engineer advises the Department that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the Department shall include the specified conditions in the permit.

C. Under 40 CFR 124.59, review of the District Engineer's decision shall be made through the applicable procedures of the U.S. Army Corps of Engineers. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the U.S. Army Corps of Engineers, those conditions shall be considered stayed in the Department permit for the duration of that stay.

#### ***U. S. FISH AND WILDLIFE SERVICE***

#### ***NATIONAL MARINE FISHERIES SERVICE***

If during the comment period the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or any other State agency with jurisdiction over fish, wildlife, or public health advises the Department in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the Department shall include the specified conditions in the permit if necessary to meet the requirements of Chapter 62-620, F.A.C.

### **PREPARATION OF A STATEMENT OF BASIS OR A FACT SHEET**

A. The Department shall prepare and make available to any person requesting it a fact sheet for the following applications for discharges of wastes into waters regulated pursuant to section 403.0885, F.S.:

1. major facilities or activities;
2. generic permits;
3. draft permits that incorporate a variance; and
4. draft permits for facilities or activities of wide-spread public interest or that raise major issues.

B. A fact sheet shall include, when applicable:

1. A brief description of the type of facility or activity which is the subject of the draft permit;
2. The type and quantity of wastes, liquids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;
3. A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record of the permit;
4. Reasons why any requested variances or alternatives to required standards do or do not appear justified;
5. A description of the procedures for reaching a final decision on the draft permit, including
  - a) The beginning and ending dates of the public comment period and the address where comments will be received,
  - b) Procedures for requesting a hearing and the nature of that hearing, and
  - c) Any other procedures by which the public may participate in the final decision;
6. Name and telephone number of a person to contact for additional information;
7. Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard, and reasons why they are applicable or an explanation of how alternative effluent limitations were developed;
8. An explanation of the reasons why the conditions that contain limitations to control toxic pollutants, on internal waste streams, on indicator pollutants, or that were set on a case-by-case basis under Rules 62-620.620 or 62-620.625, F.A.C., are applicable;

9. For every permit to be issued to a treatment works owned by a person other than the State or a municipality, an explanation of the Department's decision on the regulation of significant industrial users if pretreatment is necessary;

10. A sketch or detailed description of the location of the discharge or regulated activity described in the application; and

11. A brief description of the reuse and land application system or residuals land application site.

C. The Department shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared. When requested, the statement of basis shall be sent to any person. The statement of basis shall briefly describe:

1. the proposed facility or activity; and
2. the derivation of the conditions of the draft permit and the reasons for them; or
3. in the case of a denial of a permit, the reasons supporting the decision.

D. After public notice and public meeting, if required, the fact sheet or statement of basis shall be revised to include significant public comments and the Department response.

## **VARIANCE REQUESTS UNDER THE CLEAN WATER ACT AND 40 CFR**

### ***VARIANCE REQUESTS***

A. A publicly-owned treatment works may request a variance from otherwise applicable effluent limitations under the following provisions:

1. A request for a modification under section 301(h) of the CWA of the requirements of section 301(b)(1)(B) of the CWA for discharges into marine waters. Such request must be filed in accordance with the requirements of 40 CFR part 125, subpart G.

2. A modification under section 302(b)(2) of the CWA of the requirements of section 302(a) of the CWA for achieving water quality based effluent limitations. Such modification shall be requested no later than the close of the public comment period on the permit from which the modification is sought.

B. A facility which is not a publicly-owned treatment works may request a variance from otherwise applicable effluent limitations under any of the following provisions:

1. A request for a variance made in accordance with 40 CFR 125 subpart D based on the presence of fundamentally different factors from those on which the effluent limitations guideline was based.
2. A request for variance from best practicable control technology currently available (BPT) shall be filed by the close of the public comment period on the draft permit.
3. A request for variance from best available technology economically achievable (BAT) or best conventional pollutant control technology (BCT) shall be filed within 180 days after the date on which an effluent limitation guideline is published in the Federal Register.
4. A request for a variance from the BAT requirements of section 301(b)(2)(F) of the CWA for non-conventional pollutants pursuant to section 301(c) of CWA because of the economic capability of the permittee, or pursuant to section 301(g) of the CWA. However, a 301(g) variance may only be requested for ammonia, chlorine, color, iron, or total phenols (4AAP) (when determined by EPA to be a pollutant covered by section 301(b)(2)(F) of the CWA) or any other pollutant which the EPA lists under section 301(g)(4) of the CWA. An initial request shall be filed no later than 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977. A completed request shall be filed no later than the close of the public comment period on the draft permit and shall be filed at least 180 days before a final decision on the permit is to be made. A discharger who cannot file a timely complete request required under this paragraph may request an extension of time. The Department shall forward the extension request to EPA. The extension will be granted or denied by EPA.
5. An extension under section 301(k) of the CWA from the statutory deadline of section 301(b)(2)(A) of the CWA for best available technology or section 301(b)(2)(E) of the CWA for best conventional pollutant control technology, based on the use of innovative technology. Such extension may be requested no later than the close of the public comment period under Rule 62-620.550, F.A.C., for the discharger's initial permit requiring compliance with the CWA. The request shall be filed in accordance with the requirements of 40 CFR 125 subpart C.
6. A request for a modification under section 302(b)(2) of the CWA of requirements of section 302(a) of the CWA for achieving water quality related effluent limitations. The request for modification shall be filed no later than the close of the public comment period under Rule 62-620.550, F.A.C., on the draft permit from which the modification is sought.
7. A variance under section 316(a) of the CWA for the thermal component of any discharge. The variance request must be filed with the application for a permit, except that if thermal effluent limitations are established under section 402(a)(1) of the CWA or are based on water quality standards, the request for a variance may be filed by the close of the public

comment period on the draft permit. Application for a variance shall be in accordance with 40 CFR 125 subpart H.

C. The request shall explain how the requirements of the applicable regulatory or statutory criteria have been met.

### **VARIANCE PROCEDURES**

A. The Department shall grant or deny requests for the following variances subject to EPA objection under 40 CFR 123.44:

1. Extensions under section 301(k) of the CWA based on the use of innovative technology in accordance with the requirements of 40 CFR 125 subpart C, provided the Department has consulted during the processing of the application with the Administrator of Region IV, EPA;

2. Variances under section 316(a) of the CWA for thermal pollution in accordance with the requirements of 40 CFR 125 subpart H.

B. For variances under sections 301(c) and 302(b)(2) of the CWA, the Department shall review the request in accordance with the requirements of each section and deny the request or forward it to the EPA for approval. If the EPA approves the variance, the Department shall prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or revision has been approved or denied shall identify the applicable procedures for appealing that decision under 40 CFR 124.64.

C. For a variance based on the presence of fundamentally different factors, the Department shall review the request in accordance with the requirements of 40 CFR 125 subpart D. For a variance under section 301(g) of the CWA, the Department shall review the request in accordance with the requirements of that section. The Department shall deny the variance request or forward it to the Administrator of EPA with a written concurrence. If the Administrator approves the variance, the Department shall prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or revision has been approved or denied shall identify the applicable procedures for appealing that decision under 40 CFR 124.64.

D. Special procedures for decisions on thermal variances under section 316(a) of the CWA are as follows:

1. The only issues connected with issuance of a particular permit on which the Department will make a final agency decision before the final permit is issued under Rule 62-620.510, F.A.C., are whether alternative effluent limitations would be justified under section 316(a) of the CWA and whether cooling water intake structures will use the best available



technology under section 316(b) of the CWA. Permit applicants who wish an early decision on these issues shall request it and furnish supporting reasons at the time their permit applications are filed under part II of Chapter 62-620, F.A.C. The Department will then decide whether or not to make an early decision in accordance with the requirements of 40 CFR 125 subpart H. If it is granted, both the early decision on CWA section 316(a) or (b) issues and the grant of the balance of the permit shall be considered permit issuance under Rule 62-620.510, F.A.C., and shall be subject to the same requirements of public notice and comment under Rule 62-620.550, F.A.C., and the same opportunity for an administrative hearing under Chapter 120, F.S.

2. If the Department, on review of the administrative record, determines that the information necessary to decide whether or not the CWA section 316(a) issue is not likely to be available in time for a decision on permit issuance, the Department shall issue the permit without the variance or deny the permit under Rules 62-620.320 and 62-620.510, F.A.C. This permit shall require achievement of the effluent limitations initially proposed for the thermal component of the discharge no later than the date otherwise required by law. However, the permit shall also afford the permittee an opportunity to file a demonstration under section 316(a) of the CWA after conducting such studies as are required under 40 CFR part 125, subpart H. A new discharger may not exceed the thermal effluent limitation which is initially proposed unless and until its CWA section 316(a) variance request is finally approved.

3. Any proceeding held under paragraph (a) of this subsection shall be publicly noticed as required by Rule 62-620.550, F.A.C., and shall be conducted at a time allowing the permittee to take necessary measures to meet the final compliance date in the event its request for modification of thermal limits is denied.

4. Whenever the Department defers the decision under section 316(a) of the CWA, any decision under section 316(b) of the CWA may be deferred.