



National Pollutant Discharge Elimination System Two-Step Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems

DEP Form 62-621.300(7)(a) Effective: February 16, 2021

This permit is issued under Section 403.0885, Florida Statutes (F.S.), and implemented through applicable provisions of Chapters 62-4, 62-620, 62-621, and 62-624, Florida Administrative Code (F.A.C.). Coverage under this generic permit constitutes authorization to discharge stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4s) to surface waters of the State pursuant to the Department of Environmental Protection's (Department) federally approved National Pollutant Discharge Elimination System (NPDES) stormwater program. This generic permit is adopted and incorporated by reference at paragraph 62-621.300(7)(a), F.A.C.

Two-Step Generic Permit: Consistent with Title 40, Code of Federal Regulations (CFR) §122.28(d)(2), coverage under this generic permit includes the "Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems," [DEP Form 62-621.300(7)(a)], which establishes terms and conditions herein applicable to all eligible Phase II MS4 operators as the first step. Appendix A of the "Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems," [DEP Form 62-621.300(7)(b)], establishes additional permit requirements, consistent with Parts V and X of this generic permit, and comprises the second step to obtain coverage under this generic permit. Appendix A [DEP Form 62-621.300(7)(b)] must be submitted by the applicant to the Department for review, and the applicant must respond to the Department's requests for additional information. Compliance with both steps is required for coverage under this generic permit.

Part I. Authorization to Discharge2
A. Authorized Discharges.....2
B. Limitations on Coverage.....2
C. Eligibility Conditions.....3
Part II. General Provisions.....3
Part III. Contents of Notice of Intent-Appendix A4
A. Best Management Practices and Measurable Goals.....4
B. Menu of Best Management Practices.....4
Part IV. Stormwater Discharge Permit Compliance and the Maximum Extent Practicable Standard.....4
Part V. Stormwater Management Program and Six Minimum Control Measures.....4
A. Stormwater Management Program Required [40 CFR §122.34].....4
B. Minimum Control Measures [40 CFR §122.34(b)].....5
Part VI. Reporting.....7
A. Annual Report Deadline7
B. Annual Report Contents.....8
Part VII. Record Keeping Requirements8
Part VIII. Sharing Responsibility for Minimum Control Measures.....8
A. Sharing Responsibilities [40 CFR §122.35(a)].....8
B. Permittee Responsibilities.....9
Part IX. Qualifying Alternative Program.....9
A. Department Authority to Recognize and Amend.....9
B. Permittee/Operator Responsibilities.....9

C. Recognized Qualifying Alternative Programs	9
Part X. Other Conditions	9
A. Operation and Maintenance	9
B. Requirements for Total Maximum Daily Loads and/or Reasonable Assurance Plans to Address Impaired Waters Under Section 403.067, F.S. [40 CFR §122.34(c)]	10
Part XI. General Conditions	10
A. General Conditions	10
B. Additional General Conditions Pursuant to Rule 62-620, F.A.C.	13

Part I. Authorization to Discharge

A. Authorized Discharges

Coverage under this generic permit authorizes the discharge of stormwater from regulated Phase II MS4s consistent with Section 402(p)(6) of the federal Clean Water Act.

B. Limitations on Coverage

Stormwater discharges that are mixed with non-stormwater discharges are not authorized under this generic permit unless such discharges are:

1. In compliance with a separate NPDES permit; or,
2. Within one of the following categories of non-stormwater discharges (as defined by Rule 62-624.200(2), F.A.C.), and provided the non-stormwater discharges do not cause or contribute a violation of water quality standards:
 - a. water line flushing,
 - b. landscape irrigation,
 - c. diverted stream flows,
 - d. rising ground waters,
 - e. uncontaminated groundwater infiltration (as defined in 40 CFR §35.2005(20)),
 - f. uncontaminated pumped groundwater,
 - g. discharges from potable water sources,
 - h. foundation drains,
 - i. air conditioning condensate,
 - j. irrigation water,
 - k. springs,
 - l. water from crawl space pumps,
 - m. footing drains,
 - n. lawn watering runoff,
 - o. water from individual residential car washing,
 - p. flows from riparian habitats and wetlands,
 - q. dechlorinated swimming pool discharges,
 - r. residual street wash water,
 - s. discharges or flows from firefighting activities

- t. Reclaimed water line flushing authorized pursuant to a permit issued under the authority of Chapter 62-610, F.A.C.; and
- u. Flows from uncontaminated roof drains.

C. Eligibility Conditions

Coverage under this generic permit may be obtained by operators of Phase II MS4s who are designated as required to seek permit coverage in accordance with Rule 62-624.800 and Rule 62-624.810, F.A.C. To obtain permit coverage, the operator must:

1. Submit a “Notice of Intent (NOI) to Use the National Pollutant Discharge Elimination System Two-Step Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems” [DEP Form 62-621.300(7)(b)] to the Department’s NPDES Stormwater Program, Bob Martinez Center, 2600 Blair Stone Road, MS #3585, Tallahassee, Florida 32399. Electronic submittal is preferred.
2. Pay the appropriate permit fee, as provided in subparagraph 62-4.050(4)(d)(5), F.A.C. Instructions for electronic submittal of permit fees can be obtained by contacting the NPDES Stormwater Program by calling the NPDES Stormwater Notice Center at 850-245-7522 or writing 2600 Blair Stone Road, MS# 3585, Tallahassee, Florida 32399. The Department will not process the Notice of Intent [DEP Form 62-621.300(7)(b)], without the submittal of the appropriate fee.
3. Provide public notice in accordance with Rule 62-620.550, F.A.C. Consistent with 40 CFR §122.28(d)(2)(ii), the Department will respond to significant comments received during the comment period as provided in paragraph 62-620.555(3)(b), F.A.C. Public notice, public comments, and request for public hearing shall follow the procedures of paragraphs 62-620.550(2) through (4) and Rule 62-620.555, F.A.C. [Rule 62-621.300(7)(d)1, F.A.C.]

Part II. General Provisions

- A. Coverage under this generic permit shall be effective upon written notification by the Department and is limited to a term of five years from the effective date of coverage.
- B. A renewal of coverage under this generic permit shall be submitted at least 180 days prior to the expiration of the five-year permit term, along with the appropriate fee, in accordance with paragraphs 62-4.050(5)(a) through (c), F.A.C., and public notice in accordance with Rule 62-620.550, F.A.C.
- C. The permittee must develop and implement all components of its stormwater management program no later than five (5) years from the date of initial coverage under this generic permit.
- D. For each successive term of permit coverage, the permittee must evaluate compliance with the terms and conditions of this generic permit. The evaluation must include the effectiveness of the components of its stormwater management program, and the status of achieving measurable goals in its implementation of the stormwater management program for consistency with the requirements of the generic permit and 40 CFR §122.34(d). [Subparagraph 62-621.300(7)(d)3, F.A.C.]
- E. If the permitted operator of the Phase II MS4 changes, such that a different entity is responsible for operating the Phase II MS4, a new Notice of Intent, [DEP Form 62-621.300(7)(b)] and the appropriate permit fee must be filed with the Department. If the change is a name change only, the permitted operator must notify the

Department in writing, addressed to NPDES Stormwater Program, 2600 Blair Stone Road, MS# 3585, Tallahassee, Florida 32399, advising of the name change. An explanation for the basis of the name change must be reflected in the next annual report that follows the name change.

Part III. Contents of Notice of Intent-Appendix A

A. Best Management Practices and Measurable Goals

Completion of Appendix A of the “Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems [DEP Form 62-621.300(7)(b)] shall serve as written documentation of the required stormwater management program, further described in Part V of this generic permit. Appendix A includes a list of best management practices (BMPs) to be implemented by the permittee, as well as proposed measurable goals for each of the required elements under the six minimum control measures, set forth in Part V.B of this generic permit.

Consistent with 40 CFR §122.34(a), the BMPs proposed by the permittee must be expressed in clear, specific, and measurable terms. Using Appendix A of [DEP Form 62-621.300(7)(b)], the permittee shall identify a schedule that includes the permit year in which the operator will begin to implement each element of the required minimum control measures as well as permit year(s) the operator intends to fully implement each element. In some cases, it may be more appropriate for the operator to indicate the frequency of the action. The operator shall identify the entity or department expected to be responsible for implementing and/or coordinating each BMP.

B. Menu of Best Management Practices

The U.S. Environmental Protection Agency maintains a National Menu of Best Management Practices for Stormwater, located at <https://floridadep.gov/water/stormwater/content/guidance-and-web-links>, which can be useful in developing a stormwater management program.

Part IV. Stormwater Discharge Permit Compliance and the Maximum Extent Practicable Standard

The permittee shall develop and implement a stormwater management program to reduce the discharge of pollutants from the Phase II MS4 to surface waters of the State to the maximum extent practicable (MEP). Terms and conditions may include narrative effluent limitations requiring implementation of BMPs, which are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reduction of pollutants to the MEP) and to protect water quality. [40 CFR §122.34(a)]

The permittee’s implementation of BMPs, consistent with its approved stormwater management program as described in Appendix A and required pursuant to this generic permit, constitutes compliance with the standard of reducing pollutants to the MEP. The MEP standard is applied to MS4s in recognition of the fact that operators of a MS4 typically do not have total control over the quality or quantity of stormwater entering their systems that ultimately discharge to surface waters of the State.

Part V. Stormwater Management Program and Six Minimum Control Measures

A. Stormwater Management Program Required [40 CFR §122.34]

The permittee shall implement a stormwater management program (SWMP) that satisfies the requirements of this generic permit, including the minimum control measures listed in Part V.B of this generic permit. The permittee shall assess and adjust its SWMP, as part of an iterative process, to maximize efficiency and make reasonable further progress toward the goal of reducing the discharge of pollutants to surface waters of the State to the MEP. The permittee shall use Appendix A of the “Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems” [DEP Form 62-621.300(7)(b)], to establish the terms and conditions of the SWMP.

B. Minimum Control Measures [40 CFR §122.34(b)]

The permittee shall implement, or continue to implement, BMPs specified under the minimum control measures provided in this section during the permit term of coverage. The SWMP must include BMPs for each element of the six minimum control measures listed below.

1. Public Education and Outreach on Stormwater Impacts Minimum Control Measure

- a. Implement a program that utilizes delivery methods to distribute educational materials and/or conduct equivalent outreach activities to targeted audiences within the community about the impacts of stormwater discharges on water bodies, and the steps that the public can take to reduce pollutants in stormwater runoff.

2. Public Involvement/Participation Minimum Control Measure

- a. Implement a public participation/involvement program that includes delivery methods to participants and complies with state and local public notice requirements.

3. Illicit Discharge Detection and Elimination Minimum Control Measure

- a. Develop, if not already completed, a storm sewer system map showing the location of all outfalls, and the names and location of all surface waters of the State that receive discharges from those outfalls.
- b. To the extent allowable under state or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4. Illicit discharges are defined in paragraph 62-624.200(2), F.A.C.
- c. Develop, if not already developed, and implement a plan to detect and address non-stormwater discharges, including illicit discharges, illegal connections, illegal dumping, and improper disposal of waste to the MS4, and implement appropriate enforcement procedures and actions. The plan shall consist of a standard operating procedures (SOP) that includes:
 1. Schedules and protocols for identification of priority areas for detailed screening of the system based on the likelihood of illicit discharges and connections. Detailed screening can include visual screening, water sampling of stormwater conveyances and outfalls, infrared or thermal photography, investigation of information submitted by cross-trained staff that are able to detect illicit discharges in the field, or investigations of public complaints.
 2. Investigation techniques for suspected or detected illicit discharges, including procedures for source tracing, to identify the source(s) of the suspected illicit discharges, illegal connections, illegal dumping, and improper disposal to the MS4.
 3. Procedures, including enforcement, for removal and/or correction of the source of the illicit discharge, illegal connection, illegal dumping, and improper disposal to the MS4.
 4. Documentation of actions taken under the plan.
- d. Inform public employees, businesses, and the general public of the hazards associated with illicit discharges, illegal connections, illegal dumping, and the improper disposal of waste.

4. Construction Site Stormwater Runoff Control Minimum Control Measure

- a. Develop and implement, to the extent allowable under State or local law, an ordinance or other regulatory mechanism to require erosion and sediment controls, and control of wastes, as well as sanctions to ensure compliance, to reduce pollutants in any stormwater runoff to the Phase II MS4 from construction activities that will result in a land disturbance of greater than or equal to one acre. Reduction of pollutants associated with stormwater discharges from construction activity disturbing less than one acre must also be included if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.
- b. Develop and implement requirements for construction site operators to implement appropriate erosion and sediment control BMPs.
- c. Develop and implement requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- d. Develop and implement procedures for construction site plan review that incorporate the consideration of potential water quality impacts of stormwater runoff from construction activities. The plan review procedures shall include notification to construction site operators that they may be required to seek coverage under paragraph 62-621.300(4)(a), F.A.C., Part IV, Chapter 373, F.S., and/or Chapter 62-330, F.A.C.
- e. Develop and implement procedures for receipt and consideration of information submitted by the public.
- f. Develop and implement a SOP for construction site inspection and enforcement of control measures. The SOP for construction site stormwater runoff control program inspections shall include:
 1. Prioritization of sites for inspection based on the nature and extent of the construction activity, topography, and characteristics of soils and receiving water quality.
 2. Implementation of techniques for inspection to ensure the selection, installation and maintenance of BMPs is consistent with the regulatory mechanism required in Part V.B.4.a of this generic permit.
 3. Enforcement responses such as warnings, stop-work orders, non-monetary penalties, fines, bonding requirements, referrals and/or permit denials to address non-compliance, to the extent allowable under state and local law.
 4. Verification the construction site operator has received coverage under paragraph 62-621.300(4)(a), F.A.C., and/or Chapter 62-330, F.A.C., if required.

5. Post-Construction Stormwater Management in New Development and Redevelopment Minimum Control Measure¹

- a. To the extent allowable under State or local law, use an ordinance or regulatory mechanism to establish a program that addresses post-construction stormwater runoff from new development and redevelopment projects

¹ The Department recognizes Qualifying Alternative Programs under Part IX.C of this generic permit to implement this minimum control measure. The permittee is not required to develop additional BMPs for Part V.B.5 in its SWMP.

that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that discharge into the Phase II MS4. The program must require that controls are in place that would minimize water quality impacts.

- b. Develop and implement strategies that include a combination of structural and/or non-structural BMPs appropriate for the community.
- c. Require adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations Minimum Control Measure

- a. Develop and implement an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program must include the following as applicable to operation and maintenance of the Phase II MS4:
 - 1. Maintenance activities, maintenance schedules, and procedures for long-term inspection structural controls to reduce floatables and other pollutants discharged from the Phase II MS4;
 - 2. Procedures for non-structural controls, to reduce floatables and other pollutants discharged from the Phase II MS4;
 - 3. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops and waste transfer stations;
 - 4. Procedures for properly disposing of wastes removed from the MS4 and areas listed in Part V.B.6 of this generic permit (such as street sweeping debris, litter collected, dredge spoil, accumulated sediments, floatables, and other debris); and
 - 5. Ways to ensure that new flood management projects are designed in such a way that they minimize or reduce pollutant loading to the MS4 or waters of the State, and examine existing projects for incorporating additional water quality protection devices or practices.
- b. Use training materials that are available from EPA, the Department or other organizations, to train employees in the prevention and reduction of stormwater pollution from MS4 operator activities, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The training efforts must include a SOP that identifies the following:
 - 1. The topics to be covered in the training to address pollution prevention and good housekeeping in municipal operations;
 - 2. Positions within departments or divisions, and/or contractors that will receive training (for each topic);
 - 3. Frequency at which those positions will be trained; and
 - 4. Methods for tracking and documenting who is trained and when.

Part VI. Reporting

A. Annual Report Deadline

Unless the permittee is relying on another entity to satisfy its NPDES permit obligations under Part VIII of this generic permit, the permittee shall submit Annual Reports to the Department for each year under the permittee's

initial term of permit coverage. Annual Reports are due within six months of the anniversary date of permit coverage and must be completed using DEP Form 62-621.300(7)(d). After the permittee's initial term of permit coverage, the permittee shall submit annual reports for years two and four of subsequent terms of permit coverage, unless the Department requires more frequent reports.

All reports submitted in accordance with this section must be submitted electronically by the owner, operator, or the duly authorized representative of the Phase II MS4 to the Department as provided in paragraph 62-620.100(3)(bb) and paragraph 62-620.100(3)(cc), F.A.C. Annual Reports must be signed in accordance with the requirements of Rule 62-620.305, F.A.C.

B. Annual Report Contents

1. The status of compliance with permit conditions, an assessment of the appropriateness of the identified BMPs and progress toward achieving identified measurable goals for each of the required elements of the six minimum control measures listed in Part V and the conditions set forth in Part X of this generic permit;
2. Summaries or results of information collected and analyzed. If independent monitoring is performed, provide monitoring data collected during the reporting period;
3. A summary of the stormwater activities the permittee plans to undertake to comply with this generic permit during the next reporting cycle; and
4. Any change in BMPs, measurable goals or schedules for implementation identified in the approved SWMP.

Part VII. Record Keeping Requirements

The permittee shall keep records required by this generic permit for at least three (3) years from the date permit coverage expires. Upon request from the Department, the permittee shall submit copies of records required by this generic permit to the Department as soon as possible, but in no case later than five (5) business days, unless granted an extension by the Department. The permittee shall make its records, including a description of its SWMP, available to the public in accordance with Chapter 119, F.S.

Part VIII. Sharing Responsibility for Minimum Control Measures

A. Sharing Responsibilities [40 CFR §122.35(a)]

A permittee may rely upon another entity or entities to satisfy its permit obligations to implement one or more minimum control measures if:

1. The other entity, in fact, implements the control measure;
2. The control measure, or component thereof, is at least as stringent as the corresponding permit requirement;
3. The other entity agrees to implement the control measure on the permittee's behalf. Sharing arrangements for fulfilling permit obligations, including those related to reporting, must be established in the form of a written agreement between entities; and
4. Notice that the permittee is relying on another governmental entity to satisfy any part of its permit obligations (if applicable);
 - a. In periodic reports submitted, as required by this generic permit, the permittee shall also specify that it is relying upon another entity to satisfy some of its permit obligations;
 - b. If relying upon another entity regulated under Chapter 62-624, F.A.C., to satisfy all of its permit obligations, including its obligation to file periodic reports, the permittee shall note that in its NOI, but is not required to file the periodic reports.

B. Permittee Responsibilities

Whether relying on another entity or entities for some or for all the minimum control measures, or not, the permittee:

1. Shall provide information in the “Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems” [DEP Form 62-621.300(7)(b)] that identifies the entity or entities that the permittee is relying upon to satisfy its one or more if its permit obligations(s). The permittee shall specify the entity responsible for satisfying each measure(s) under Parts V and/or X of this generic permit that entity is responsible for;
2. Shall specify in the periodic reports, as required under Part VI of this generic permit, that it is relying upon another entity to satisfy some of its permit obligations. The permittee shall include the information required under Part VI for each measure or report on the progress of the measure(s) being implemented by the other entity; and
3. Remains ultimately responsible for compliance with its permit obligations if the other entity fails to implement the control measure(s) or components thereof.

Part IX. Qualifying Alternative Program

A. Department Authority to Recognize and Amend

The Department has the authority to recognize where other governmental entities that implement one or more of the minimum control measures within a Phase II MS4’s jurisdiction, or where the Department itself is responsible. This generic permit may be reopened and modified, resulting in the requirement for the permittee to modify their approved Appendix A of the “Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems,” [DEP Form 62.621.300(7)(b)] to include schedules to develop and implement the minimum control measure(s) if the other entity fails to implement the minimum control measures, or if the Department determines that the qualifying alternative program does not provide reasonable assurance of compliance with this generic permit, or other applicable state or federal laws.

B. Permittee/Operator Responsibilities

The permittee is not required to implement the minimum measures for which a qualifying alternative program has been recognized, unless the qualifying alternative program is no longer recognized by the Department as set forth in a subsequent revision of this generic permit. If the permittee chooses to implement BMPs in addition to the efforts of the qualifying alternative program(s), it should include a description of the BMPs and measurable goals for each BMP in its proposed SWMP.

C. Recognized Qualifying Alternative Programs

For meeting the requirements of the minimum control measures as described Part V.B.5 of this generic permit, Post-construction Stormwater Management in New Development and Redevelopment, the program(s) implementing environmental resource permits, pursuant to Part IV, Chapter 373, F.S., and Chapter 62-330, F.A.C., are recognized as qualifying alternative programs for implementing the regulation of construction and operation of stormwater management and treatment systems within each program’s geographical boundaries.

Part X. Other Conditions

A. Operation and Maintenance

All facilities and systems of treatment and control that are installed or used to achieve compliance with the conditions of this generic permit must be properly operated and maintained at all times. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

B. Requirements for Total Maximum Daily Loads and/or Reasonable Assurance Plans to Address Impaired Waters Under Section 403.067, F.S. [40 CFR §122.34(c)]

The permittee shall address the implementation of Total Maximum Daily Loads (TMDL) and Reasonable Assurance Plans (RAP) in accordance with Section 403.067, F.S.

1. Basin Management Action Plans (BMAPs) and Reasonable Assurance Plans (RAPs)
 - a. Adopted BMAPs or RAPs

If the permittee discharges stormwater to a waterbody within the boundary of a Department-adopted BMAP or RAP in accordance with Section 403.067, F.S., the permittee shall comply with the adopted provisions of the BMAP or RAP that specify activities to be undertaken by the permittee.

- b. BMAPs and RAPs in Development

If a BMAP or RAP is in development during the permit cycle, the permittee shall continue to participate in the BMAP or RAP process and comply with the provisions of the BMAP or RAP that specify activities to be undertaken by the permittee, once adopted.

2. Department-Adopted TMDL without BMAP

If the permittee discharges stormwater to a waterbody for which a Department-adopted TMDL pursuant to Chapter 62-304, F.A.C., and a wasteload allocation has been established for regulated MS4 stormwater discharges, and a BMAP has not been developed or planned, the permittee shall address the TMDL in its SWMP as follows:

- a. Prioritization of TMDL Waterbodies without BMAPs

Stormwater discharges for this part include direct discharges as well as stormwater discharged through an interconnected MS4. If the permittee discharges the pollutant(s) of concern into more than one waterbody for which a TMDL(s) has been adopted by the Department, the permittee shall prioritize a minimum of one TMDL waterbody to be addressed in accordance with Part X.B.2.b for each permit cycle. The permittee shall develop a prioritized list of TMDL waterbodies, including a description of the factors used to rank the list of waterbodies, to which the MS4 discharges the pollutant(s) of concern. The list shall be used to identify waterbodies for which action(s) shall be taken in accordance with Part X.B.2.b of this generic permit. The permittee must submit the list to the Department for review in the Year 4 annual report.

- b. Implementation

To address the pollutant(s) of concern in the TMDL waterbody or waterbodies identified by the permittee pursuant to Part X.B.2.a, the permittee shall revise the SWMP to include a schedule for implementing structural and/or non-structural BMPs and other program activities. The revised SWMP must be submitted to the Department for review and approval as part of permit coverage renewal specified in Part II.B. of this generic permit.

Part XI. General Conditions

A. General Conditions

General conditions are pursuant to Rule 62-621.250, F.A.C., and Rule 62-620.610, F.A.C., as specified below:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [Paragraph 62-620.610(1), F.A.C.]

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department.
[Paragraph 62-620.610(2), F.A.C.]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [Paragraph 62-620.610(3), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [Paragraph 62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee(s) from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee(s) to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee(s) shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee(s) in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Paragraph 62-620.610(5), F.A.C.]
6. [Paragraph 62-620.610(6), F.A.C.] through [Paragraph 62-620.610(8), F.A.C.] [Not Applicable]
7. The permittee(s), by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. [Paragraph 62-620.610(9), F.A.C.]
8. In accepting this permit, the permittee(s) understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111,

- Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [Paragraph 62-620.610(10), F.A.C.]
9. [Paragraph 62-620.610(9), F.A.C.] through [Paragraph 62-620.610(12), F.A.C.] [Not Applicable]
 10. The permittee(s), in accepting this permit, agrees to pay the applicable regulatory program and surveillance fees in accordance with Rule 62-4.052, F.A.C. [Paragraph 62-620.610(13), F.A.C.]
 11. [Paragraph 62-620.610(14), F.A.C.] through [Paragraph 62-620.610(17), F.A.C.] [Not Applicable]
 12. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and Chapter 62-601, F.A.C., and 40 CFR §136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in paragraph 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including onsite tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rule 62-160.220, F.A.C. and Rule 62-160.330, F.A.C. [Paragraph 62-620.610(18), F.A.C.]
 13. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [Paragraph 62-620.610(19), F.A.C.]
 14. The permittee(s) shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee(s) becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee(s) becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- a. The following shall be included as information which must be reported within 24 hours under this condition:

(1) through (3) [Not Applicable]

(4) Any unauthorized discharge to surface or ground waters.

- b. Oral reports as required by this subsection shall be provided as follows:

(1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph 62-620.610(14)(a)4, F.A.C., that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WATCH OFFICE TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Watch Office:

(a) Name, address, and telephone number of person reporting;

(b) Name, address, and telephone number of permittee or responsible person for the discharge;

(c) Date and time of the discharge and status of discharge (ongoing or ceased);

(d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

(e) Estimated amount of the discharge;

(f) Location or address of the discharge;

(g) Source and cause of the discharge;

(h) Whether the discharge was contained on-site, and cleanup actions taken to date;

(i) Description of area affected by the discharge, including name of water body affected, if any; and

(j) Other persons or agencies contacted.

(2) Oral reports not otherwise required to be provided pursuant to subparagraph 62-620.610(14)(b)1, F.A.C., above, shall be provided to the Department within 24 hours from the time the permittee(s) becomes aware of the circumstances.

- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. [Paragraph 62-620.610(20), F.A.C.]

15. [Paragraph 62-620.610(21), F.A.C.] through [Paragraph 62-620.610(23), F.A.C.] [Not Applicable]

B. Additional General Conditions Pursuant to Rule 62-620, F.A.C.

In addition to applicable sections of Rule 62-620.610, F.A.C., the following conditions apply:

1. When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating coverage under

this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrections reported to the Department within 10 days of discovery.

2. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit coverage, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
3. The use of generic permits issued under this chapter is limited to a term not to exceed five years. The renewal of permit coverage shall be in accordance with Rule 62-620.335, F.A.C., unless otherwise specified in the generic permit. The application requirements for submittal of request for coverage are located in Rule 62-621.300, F.A.C., or each specific generic permit.
4. Coverage under this generic permit may be suspended, revoked and reissued, or terminated in accordance with Rule 62-620.345, F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.
5. In accordance with paragraph 62-620.100(3)(bb), F.A.C., and paragraph 62-620.100(3)(cc), F.A.C., NPDES regulated entities must electronically report NPDES data to the Department. Paragraph 62-620.100(3)(bb) F.A.C., contains requirements for electronic reporting of NPDES information from NPDES-regulated entities, (including waivers). Paragraph 62-620.100(3)(cc) F.A.C., contains the information NPDES-regulated entities must electronically report and the minimum set of NPDES data that must be entered in or transferred to EPA's national NPDES data system.
 - a. [Paragraph 62-621.250(5)(a), F.A.C.] [Not Applicable]
 - b. [Paragraph 62-621.250(5)(b), F.A.C.] [Not Applicable]