



NPDES GENERIC PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

DEP Form 62-621.300(1)(a)

Effective: September 20, 2018

Part I. Authorization to Discharge

This permit is issued under Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code. Coverage under this generic permit constitutes authorization to discharge treated ground water and stormwater that has been contaminated with automotive gasoline, aviation gasoline, jet fuel or diesel fuel to surface waters of the State pursuant to the Department's federally-approved National Pollutant Discharge Elimination System (NPDES) program, provided all criteria specified in this generic permit are met. Until coverage under this permit is terminated, revoked or expires, permittees using this permit are authorized to discharge treated groundwater in accordance with the terms and conditions of this permit.

Part II. Definitions

For the purposes of this permit, the following terms have the following meanings unless the context clearly indicates otherwise:

- A. "Bypass" is as defined in Rule 62-620.200, F.A.C.
- B. "Ground Water" is as defined in Rule 62-520.200, F.A.C.
- C. "Point Source" is as defined in Rule 62-620.200, F.A.C.
- D. "Predominantly fresh waters" as defined in Rule 62-302.200, F.A.C.
- E. "Predominantly marine waters" as defined in Rule 62-302.200, F.A.C.
- F. "Surface Waters" means those waters defined in Section 403.031(13), F.S., excluding underground waters.
- G. "Upset" is as defined in Rule 62-620.200, F.A.C.

Part III. General Provisions

- A. Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage.
- B. Discharges of more than 30 days, (Long Term Discharges), authorized by this permit shall meet the effluent limitations and monitoring requirements of Part IV.A or Part IV.B of this permit as applicable. Short Term Discharges authorized by this permit are limited to a maximum of 30 days of discharge during the duration of coverage under this permit such discharges shall meet the effluent limitations and monitoring requirements of Part V of this permit.
- C. Discharges from pump tests to characterize the aquifer that last for eight (8) hours or less, are covered under this generic permit without the need to submit a request for coverage to the Department provided the permittee has data indicating that only contamination from petroleum fuels is present at the site.
- D. Except as specified in Part III.C of this generic permit, coverage under this generic permit shall be effective upon written notification from the Department in accordance with Rule 62-621.101, F.A.C.
- E. In accordance with Rule 62-4.052, F.A.C., the annual regulatory program and surveillance fees required for a facility that discharges more than thirty (30) days shall be \$2850.00 per year. There is no annual fee for sites authorized to discharge under Part V of this permit (Short Term Discharges).
- F. A renewal of coverage under this generic permit shall be submitted as specified in DEP Form 62-621.300(1)(b), at least 30 days before expiration of the current coverage.
- G. To terminate coverage under this generic permit the permittee shall submit DEP Form 62-621.300(1)(e), within 30 days after completion of the discharge activity or upon expiration of coverage, whichever occurs first.

Part IV. Long Term Discharges (more than thirty (30) days)

A. Contamination by Automotive Gasoline Effluent Limitations and Monitoring Requirements

The Permittee is authorized to discharge treated ground water and stormwater that has been contaminated by automotive gasoline. These contaminated waters shall be treated by air stripping, followed by activated carbon adsorption, if necessary, or equivalent treatment to meet the following effluent limitations. Such discharges shall be limited and monitored by the Permittee as specified in Table 1:

Table 1

Parameter	Units	Daily Maximum Effluent Limitations	Frequency of Analysis	Sample Type
Flow	MGD	Report	Continuous	Flowmeter
Benzene	µg/l	1.0	1/month	Grab
* Total Lead	µg/l	See Rule 62-302.530, F.A.C.	1/month	Grab
**Hardness, Total (as CaCO ₃)	mg/l	Report	1/month	Grab
pH	s.u.	See Part IV.A.1	1/month	Grab
Acute Whole Effluent Toxicity	percent	See Part IV.A.2 and Part IV.A.3	See Part IV.A.4	Grab

* Monitoring for this parameter is required only when contamination results from leaded fuel.

** Monitoring for this parameter is required only when monitoring Total Lead and the effluent is discharged to predominantly fresh waters.

1. The pH of the effluent shall not vary more than one unit above or below natural background of predominantly fresh waters and coastal waters as defined in paragraph 62-302.520(3)(b), F.A.C. or more than two-tenths unit above or below natural background of open waters as defined in paragraph 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6 units in predominantly fresh waters, or less than 6.5 units in predominantly marine waters, or raised above 8.5 units. If natural background is less than 6 units, in predominantly fresh waters or 6.5 units in predominantly marine waters the pH shall not vary below natural background or vary more than one unit above natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit above natural background of open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit below natural background of open waters.
2. Within thirty (30) days after commencement of discharge, the Permittee, shall test for acute toxicity as provided in Rule 62-621.303, F.A.C., to evaluate whole effluent toxicity of the discharge from the outfall. If more than one (1) outfall exists, separate tests shall be performed on each outfall.
3. A 96-hour LC50 of less than 100% effluent shall constitute a violation of Rule 62-4.241(1)(a), F.A.C., and the terms of this permit. The testing for this requirement must conform with Rule 62-621.303, F.A.C.
4. Toxicity tests shall be conducted once every month until three (3) valid monthly tests have been completed, and once every year thereafter for the duration of the permit, unless notified otherwise by the Department.
5. Samples for the monitoring requirements specified above shall be taken at the nearest accessible point after final treatment but prior to actual discharge or mixing with the receiving waters.
6. Effluent monitoring results shall be reported in accordance with Part VI of this permit.
7. A Best Management Practices (BMP) plan shall be prepared in accordance with Rule 62-621.260, F.A.C., and in conjunction with the development of the Remedial Action Plan required by the Department.
8. Ground water and stormwater that has been contaminated with automotive gasoline which has also been contaminated with aviation gasoline, jet fuel or diesel fuel shall meet the effluent limitations and monitoring requirements of Part IV.B of this generic permit.

B. Contamination by Aviation Gasoline, Jet Fuel or Diesel Fuel Effluent Limitations and Monitoring Requirements

The Permittee is authorized to discharge treated ground water and stormwater that has been contaminated by aviation gasoline, jet fuel or diesel fuel. These contaminated waters shall be treated by air stripping, followed by activated carbon adsorption, if necessary, or equivalent treatment to meet the following effluent limitations. Such discharges shall be limited and monitored by the Permittee as specified in Table 2:

Table 2

Parameter	Units	Daily Maximum Effluent Limitations	Frequency of Analysis	Sample Type
Flow	MGD	Report	Continuous	Flowmeter
Benzene	µg/l	1.0	1/month	Grab
Naphthalene	µg/l	100.0	1/month	Grab
* Total Lead	µg/l	See Rule 62-302.530, F.A.C.	1/month	Grab
**Hardness, Total (as CaCO ₃)	mg/l	Report	1/month	Grab
pH	s.u.	See Part IV.B.1	1/month	Grab
Acute Whole Effluent Toxicity	percent	See Part IV.B.2 and Part IV.B.3	See Part IV.B.4	Grab

* Monitoring for this parameter is required only when contamination results from leaded fuel.

** Monitoring for this parameter is required only when monitoring Total Lead and the effluent is discharged to predominantly fresh waters.

1. The pH of the effluent shall not vary more than one unit above or below natural background of predominantly fresh waters and coastal waters as defined in paragraph 62-302.520(3)(b), F.A.C. or more than two-tenths unit above or below natural background of open waters as defined in paragraph 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6 units in predominantly fresh waters, or less than 6.5 units in predominantly marine waters, or raised above 8.5 units. If natural background is less than 6 units, in predominantly fresh waters or 6.5 units in predominantly marine waters, the pH shall not vary below natural background or vary more than one unit above natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit above natural background of open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit below natural background of open waters.
2. Within thirty (30) days after commencement of discharge, the Permittee, shall test for acute toxicity as provided in Rule 62-621.303, F.A.C., to evaluate whole effluent toxicity of the discharge from the outfall. If more than one (1) outfall exists, separate tests shall be performed on each outfall.
3. A 96-hour LC50 of less than 100% effluent shall constitute a violation of Rule 62-4.241(1)(a), F.A.C., and the terms of this permit. The testing for this requirement must conform with Rule 62-621.303, F.A.C.
4. Toxicity tests shall be conducted once every month until three (3) valid monthly tests have been completed, and once every year thereafter for the duration of the permit, unless notified otherwise by the Department.
5. Samples for monitoring requirements specified above shall be taken at the nearest accessible point after final treatment but prior to actual discharge or mixing with the receiving waters.
6. Effluent monitoring results shall be reported in accordance with Part VI of this permit.
7. A Best Management Practices (BMP) plan shall be prepared in accordance with Rule 62-621.260, F.A.C., and in conjunction with the development of the Remedial Action Plan required by the Department.
8. Ground water and stormwater that has been contaminated with aviation gasoline, jet fuel or diesel fuel which has also been contaminated with automotive gasoline shall meet the effluent limitations and monitoring requirements of Part IV.B of this generic permit.

Part V. Short Term Discharges (maximum of thirty (30) days or less)

A. Effluent Limitations and Monitoring Requirements for Sites with an Assessment

1. If benzene, naphthalene, or total lead concentrations indicative of contamination from petroleum fuels are known to be present as a result of a site assessment prepared in accordance with Rule 62-780, F.A.C., and the discharge will occur for thirty (30) days or less, the Permittee shall comply with the applicable effluent limitations and monitoring requirements shown in Table 3.

Table 3

Parameter	Units	Daily Maximum Effluent Limitations	Frequency of Analysis When Discharge Occurs for 30 Days or Less	Frequency of Analysis When Discharge Occurs for Less Than a Week	Sample Type
Flow	MGD	Report	Continuous	Continuous	Flowmeter
Benzene	µg/l	1.0	1/week	1/discharge	Grab
Naphthalene (if present)	µg/l	100.0	1/week	1/discharge	Grab
* Total Lead (if present)	µg/l	See Rule 62-302.530, F.A.C.	1/week	1/discharge	Grab
**Hardness, Total (as CaCO ₃)	mg/l	Report	1/week	1/discharge	Grab
pH	s.u.	See Part V.A.1(a)	1/week	1/discharge	Grab

* Monitoring for this parameter is required only when contamination results from leaded fuel.

** Monitoring for this parameter is required only when monitoring Total Lead and the effluent is discharged to predominantly fresh waters.

- (a) The pH of the effluent shall not vary more than one unit above or below natural background of predominantly fresh waters and coastal waters as defined in paragraph 62-302.520(3)(b), F.A.C. or more than two-tenths unit above or below natural background of open waters as defined in paragraph 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6 units in predominantly fresh waters, or less than 6.5 units in predominantly marine waters, or raised above 8.5 units. If natural background is less than 6 units, in predominantly fresh waters or 6.5 units in predominantly marine waters, the pH shall not vary below natural background or vary more than one unit above natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit above natural background of open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit below natural background of open waters.
- (b) Discharges that occur for thirty (30) days or less but last more than a week shall monitor for the applicable parameters in Table 3 once (1) per week during the length of the discharge.
- (c) Discharges that last less than a week shall monitor for the applicable parameters in Table 3 once during the length of the discharge.
- (d) Samples for monitoring requirements specified above shall be taken at the nearest accessible point after final treatment but prior to actual discharge or mixing with the receiving water.
- (e) Effluent monitoring results shall be kept onsite and made available to the Department upon request.

2. Pump Tests to Characterize the Aquifer (Discharges of Eight (8) Hours or Less) Effluent Limitations and Monitoring Requirements for Sites with an Assessment

- (a) If benzene, naphthalene or total lead concentrations indicative of contamination from petroleum fuels are known to be present as a result of a site assessment prepared in accordance with Rule 62-780, F.A.C., and the discharge is for a pump test to characterize the aquifer that will occur for eight (8) hours or less, then the discharge is covered under this generic permit without the need to submit a request for coverage to the Department.
- (b) The Permittee shall monitor the effluent one time during the discharge for the parameters listed in Table 4.

Table 4

Parameter	Units	Daily Maximum Effluent Limitations	Frequency of Analysis	Sample Type
Flow	MGD	Report	Continuous	Flowmeter
Benzene	µg/l	1.0	1/discharge	Grab
Naphthalene (if present)	µg/l	100.0	1/discharge	Grab
* Total Lead (if present)	µg/l	See Rule 62-302.530, F.A.C.	1/discharge	Grab
**Hardness, Total (as CaCO ₃)	mg/l	Report	1/discharge	Grab
pH	s.u.	See Part V.A.2(c)	1/discharge	Grab

* Monitoring for this parameter is required only when contamination results from leaded fuel.

** Monitoring for this parameter is required only when monitoring Total Lead and the effluent is discharged to predominantly fresh waters.

- (c) The pH of the effluent shall not vary more than one unit above or below natural background of predominantly fresh waters and coastal waters as defined in paragraph 62-302.520(3)(b), F.A.C. or more than two-tenths unit above or below natural background of open waters as defined in paragraph 62-302.520(3)(f), F.A.C., provided that the pH is not lowered to less than 6 units in predominantly fresh waters, or less than 6.5 units in predominantly marine waters, or raised above 8.5 units. If natural background is less than 6 units, in predominantly fresh waters or 6.5 units in predominantly marine waters, the pH shall not vary below natural background or vary more than one unit above natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit above natural background of open waters. If natural background is higher than 8.5 units, the pH shall not vary above natural background or vary more than one unit below natural background of predominantly fresh waters and coastal waters, or more than two-tenths unit below natural background of open waters.
- (d) Samples for the monitoring requirements specified above shall be taken at the nearest accessible point after final treatment but prior to actual discharge or mixing with the receiving waters.
- (e) Effluent monitoring results shall be kept onsite and made available to the Department upon request.
- (f) Coverage under Part V.A.2 of this permit is limited to a total of eight (8) hours of discharge.

B. Effluent Limitations and Monitoring Requirements for Sites Without an Assessment

1. Applicants that do not have a site assessment prepared in accordance with Rule 62-780, F.A.C., but wish to be covered under the provisions of Part V.A.1 or Part V.A.2 of this permit shall conduct analytical tests of untreated ground water samples for the parameters listed in Table 5.
2. The analytical tests shall be conducted in accordance with Part IX.11 of this permit.
3. If the reported levels of benzene, naphthalene or lead in the ground water sample exceed the screening values listed Table 5 and the other parameters meet the screening value, then the discharge is covered under Part V.A.1 or Part V.A.2 of this permit.
4. If the reported levels of Mercury, Cadmium, Copper, Zinc or Chromium (Hex) exceed the screening values identified in Table 5, the site is not eligible for coverage under this permit.

Table 5.

Parameter	Units	Screening Values for Discharges into Predominantly Fresh Waters	Screening Values for Discharges into Predominantly Marine Waters
pH,	s.u.	6.0-8.5	6.5-8.5
Total Recoverable Mercury	µg/l	0.012	0.025
Total Recoverable Cadmium	µg/l	See Part V.B.5	8.8
Total Recoverable Copper	µg/l	See Part V.B.5	3.7
Total Recoverable Lead	µg/l	See Part V.B.5	8.5
Total Recoverable Zinc	µg/l	See Part V.B.5	86.0
Total Recoverable Chromium (Hex.)	µg/l	11.0	50.0
Benzene	µg/l	1.0	1.0
Naphthalene	µg/l	100.0	100.0
Hardness, Total (as CaCO ₃)	mg/l	Report	Not Applicable

5. The screening value for “Total Recoverable Cadmium”, “Total Recoverable Copper”, “Total Recoverable Lead” and “Total Recoverable Zinc” shall be calculated using the equations specified in Rule 62-302.530, F.A.C. The “ln H” means the natural logarithm of total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L.

Part VI. Reporting of Monitoring Results

Monitoring results obtained for each calendar month shall be summarized and reported on a Discharge Monitoring Report (DMR) form (DEP Form 62-620.910(10)), quarterly. The DMR form shall be submitted electronically in accordance with Rule 62-621.250 F.A.C., using the DEP Business Portal at <http://www.fldepportal.com/go/>. The DMR shall be submitted to the Department after each calendar quarter no later than the 28th day of the month following the completed calendar quarter. For example, data for January-March shall be submitted by April 28. Calendar quarters are January-March, April-June, July-September and October-December.

Part VII. Recordkeeping Requirements

The permittee shall maintain the following records and make them available for inspection.

- A. Records of all data, including reports and documents, used to complete the Notice of Intent requesting coverage under the permit for at least 3 years from the date the Notice of Intent was filed.
- B. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken.
- C. Copy of the permit and copy of the coverage letter issued by the Department for three years or for the duration of coverage whichever is greater.

Part VIII. Other Conditions

- A. Discharge shall at all times be free from floating solids, visible foam, turbidity, or visible oil in such amounts as to form nuisances on surface waters.
- B. When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for 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.
- C. Coverage under this 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.

Part IX. General Conditions

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. [62-620.610(1), F.A.C.]
2. As provided in Section 403.087(7), 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 infringement 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. [62-620.610(3), F.A.C.]
3. 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. [62-620.610(4), F.A.C.]
4. This permit does not relieve the permittee 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 to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge 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 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. [62-620.610(5), F.A.C.]

5. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
6. The permittee, 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.

[62-620.610(9), F.A.C.]
7. In accepting this permit, the permittee understands and agrees that all records 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, F.S., 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. [62-620.610(10), F.A.C.]
8. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]
9. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
10. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - (a) A description of the anticipated noncompliance;
 - (b) The period of the anticipated noncompliance, including dates and times; and
 - (c) Steps being taken to prevent future occurrence of the noncompliance.

[62-620.610(17)]
11. Sampling and monitoring data shall be collected, analyzed, and reported in accordance with Rule 62-4.246, Chapters 62-160, F.A.C., and 40 CFR 136, as appropriate.
 - (a) 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.
 - (b) 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/analytical technology/analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in subsection 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - (c) Field activities including on-site 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.
 - (d) Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C.

[62-620.610(18)]

12. The permittee 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 becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee 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. Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
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 (a)4. 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 (b)1. above, shall be provided to the Department within 24 hours from the time the permittee 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.

[62-620.610(20), F.A.C.]

13. The permittee shall report all instances of noncompliance not reported under conditions (10), (11) of this permit at the time monitoring reports are submitted. This report shall contain the same information required by condition (12) of this permit. [62-620.610(21)]

14. Bypass Provisions.

(a) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The permittee submitted notices as required under General Condition 14(b) of this permit.

- (b) If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in General Condition 9 of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- (c) The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in General Condition 14(a)1. through 3. of this permit.
- (d) A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of General Condition 14(a) through (c) of this permit.

[62-620.610(22), F.A.C.]

15. Upset Provisions.

- (a) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - 2. The permitted facility was at the time being properly operated;
 - 3. The permittee submitted notice of the upset as required in General Condition 12 of this permit; and
 - 4. The permittee complied with any remedial measures required under General Condition 4 of this permit.
- (b) In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- (c) Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23), F.A.C.]