

## CHAPTER 62-4 PERMITS

62-4.001	Scope of Part I
62-4.020	Definitions
62-4.021	Transferability of Definitions
62-4.030	General Prohibition
62-4.040	Exemptions
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications
62-4.052	Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters
62-4.053	Annual Operating License Fees for Public Water Systems
62-4.055	Permit Processing
62-4.060	Consultation (Repealed)
62-4.070	Standards for Issuing or Denying Permits; Issuance; Denial
62-4.080	Modification of Permit Conditions
62-4.090	Renewals
62-4.100	Suspension and Revocation
62-4.110	Financial Responsibility (Repealed)
62-4.120	Transfer of Permits
62-4.130	Plant Operation – Problems
62-4.150	Review (Repealed)
62-4.160	Permit Conditions
62-4.200	Scope of Part II
62-4.210	Construction Permits (Repealed)
62-4.220	Operation Permit for New Sources (Repealed)
62-4.240	Operation Permits for Water Pollution Sources (Repealed)
62-4.241	Whole Effluent Toxicity Limits
62-4.242	Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement
62-4.243	Exemptions from Water Quality Criteria
62-4.244	Mixing Zones: Surface Waters
62-4.246	Sampling, Testing Methods, and Method Detection Limits for Water Pollution Sources
62-4.249	Preservation of Rights (Repealed)
62-4.250	Water Pollution Temporary Operation Permits; Conditions (Repealed)
62-4.510	Scope of Part III
62-4.520	Definition
62-4.530	Procedures
62-4.540	General Conditions for All General Permits

### **62-4.001 Scope of Part I.**

This part sets forth procedures on how to obtain a permit from the State of Florida Department of Environmental Protection. This part also provides requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation of any permit required by the Department of Environmental Protection. Except as otherwise provided in Chapter 62-330, F.A.C., or in the rules adopted by reference thereunder, this part shall not apply to activities regulated under Part IV of Chapter 373, F.S. However, this Part shall continue to apply to those activities grandfathered under Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), (16), and 373.4145(6), F.S. This Part shall not preclude the application of any other permit requirements or procedures for certain types of facilities as contained in other chapters of Title 62, F.A.C.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.4131, 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088 FS. Law Implemented 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.01, Amended 8-31-88, Formerly 17-4.001, Amended 7-4-95, 10-1-07, 10-1-13.*

**62-4.020 Definitions.**

When used in this chapter, unless the context clearly indicates otherwise, the following words shall mean:

(1) "Annual Average Flow" is the long-term harmonic mean flow of the receiving water, or an equivalent flow based on generally accepted scientific procedures in waters for which such a mean cannot be calculated. For waters for which flow records have been kept for at least the last three years, "long-term" shall mean the period of record. For all other waters, "long-term" shall mean three years (unless the Department finds the data from that period not representative of present flow conditions, based on evidence of land use or other changes affecting the flow) or the period of records sufficient to show a variation of flow of at least three orders of magnitude, whichever period is less. For nontidal portions of rivers and streams, the harmonic mean ( $Q_{hm}$ ) shall be calculated as

$$Q_{hm} = \frac{n}{\frac{1}{Q_1} + \frac{1}{Q_2} + \frac{1}{Q_3} + \frac{1}{Q_4} + \frac{1}{Q_5} + \dots + \frac{1}{Q_n}}$$

in which each Q is an individual flow record and n is the total number of records. In lakes and reservoirs, the annual average flow shall be based on the hydraulic residence time, which shall be calculated according to generally accepted scientific procedures, using the harmonic mean flows for the inflow sources. In tidal estuaries and coastal systems or tidal portions of rivers and streams, the annual average flow shall be determined using methods described in EPA publication no. 600/6-85/002b pages 142-227, incorporated by reference in paragraph 62-4.246(9)(k), F.A.C., or by other generally accepted scientific procedures, using the harmonic mean flow for any freshwater inflow. If there are insufficient data to determine the harmonic mean then the harmonic mean shall be estimated by methods as set forth in the EPA publication *Technical Support Document for Water Quality-Based Toxics Control* (March 1991), incorporated by reference in paragraph 62-4.246(9)(d), F.A.C., or other generally accepted scientific procedures. In situations with seasonably variable effluent discharge rates, hold-and-release treatment systems, and effluent-dominated sites, annual average flow shall mean modeling techniques that calculate long-term average daily concentrations from long-term individual daily flows and concentrations in accordance with generally accepted scientific procedures.

(2) "Approved Analytical Method" shall mean any of the analytical methods approved under Chapter 62-160, F.A.C.

(3) "Commission" is the State of Florida Environmental Regulation Commission.

(4) "Construction permit" is the legal authorization granted by the Department to construct, expand, modify, or make alterations to any installation and to temporarily operate and test such new or modified installations.

(5) "Department" is the State of Florida Department of Environmental Regulation or its delegatee as provided in the Operating Agreements Concerning Management and Storage of Surface Water Regulation and Wetland Resource Regulation adopted by reference in Rule 62-101.040, F.A.C.

(6) "Environmental restoration and enhancement" means activities, other than those proposed as mitigation for a permit required under Part IV of Chapter 373, F.S., conducted by government, research, education or charitable entities that are either not-for-profit or non-profit, that have the sole objective of restoring or enhancing water resources, including water quality and the functions wetlands and other surface waters provide to fish and wildlife, through measures such as: restoring hydrology and water circulation; re-establishing native vegetation; or otherwise restoring more desirable natural conditions that existed prior to human-induced disturbances.

(7) "Installation" is any structure, equipment, facility, or appurtenances thereto, operation or activity which is or may be a source of pollution as defined in Chapter 403, F.S. Installation includes dredging and filling as these terms are defined in Section 403.911, F.S.

(8) "Method Detection Limit (MDL)" is the smallest concentration of an analyte of interest that can be measured and reported with 99% confidence that the concentration will be greater than zero. The MDLs are determined from the analysis of a given matrix containing the analyte at a specified level. Determination of MDLs shall follow procedures determined in Appendix B to part 136 of 40 CFR, 1990, incorporated here by reference, or equivalent procedures complying with Chapter 62-160, F.A.C.

(9) "Operation permit" is the legal authorization granted by the Department to operate or maintain any installation for a specified period of time.

(10) "Permit condition" is a statement or stipulation which is issued with a permit and which must be complied with.

(11) "Permit" is the legal authorization to engage in or conduct any construction, operation, modification, or expansion of any

installation, structure, equipment, facility, or appurtenances thereto, operation, or activity which will reasonably be expected to be a source of pollution.

(12) "Practical Quantification Limit (PQL)" is the lowest level that can be reliably achieved during routine laboratory operating conditions within specified limits of precision and accuracy, as reflected in the Department's list of PQLs under subsection 62-4.246(4), F.A.C., or an alternative level established through equivalent procedures complying with Chapter 62-160, F.A.C.

(13) "Secretary" is the Secretary of the Department.

(14) "Temporary operation permit" is the legal authorization limited to a specified time granted by the Department to operate, maintain, construct, modify, expand, or make alterations to any installation in accordance with Section 403.088, F.S.

(15) "Equivalent Clean Closure" is available for interim status land disposal units that certified clean closure under 40 CFR Part 265 standards prior to March 19, 1987. These facilities must make an equivalency demonstration to meet 40 CFR Part 264 closure standards or the facility must obtain a closure permit containing post closure requirements.

*Rulemaking Authority 373.026, 373.043, 373.414, 373.418, 403.061, 403.805 FS. Law Implemented 373.109, 373.413, 373.414, 373.4145, 403.021, 403.031, 403.061, 403.087, 403.088, 403.802, 403.817 FS. History—New 3-4-72, Revised 5-17-72, Amended 6-10-75; Joint Administrative Procedures Committee Objection Filed – See FAR Vol. 1, No. 28, 1-12-76; Joint Administrative Procedures Committee Objection Withdrawn – See FAR Vol. 3, No. 30, 7-29-77, Amended 3-11-81, 10-16-84, 12-10-84, Formerly 17-4.02, Amended 3-18-86, 8-31-88, 6-4-92, 11-16-92, 7-11-93, Formerly 17-4.020, Amended 4-3-03.*

#### **62-4.021 Transferability of Definitions.**

Definitions in other chapters of the Department's rules may be used to clarify the meaning of terms used in this chapter unless the terms are defined in Rule 62-4.020, F.A.C., or unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of this chapter.

*Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 3-1-79, Amended 8-31-88, Formerly 17-4.021.*

#### **62-4.030 General Prohibition.**

Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit.

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 3-4-70, Revised 5-17-72, Formerly 17-4.03, Amended 8-31-88, Formerly 17-4.030.*

#### **62-4.040 Exemptions.**

(1) The following installations are exempted from the permit requirements of this chapter. The following exemptions do not relieve any installation from any other requirements of Chapter 403, F.S., or rules of the Department. Other installations may be exempted under other chapters of Title 62.

(a) Structural changes which will not change the quality, nature or quantity of air and water contaminant emissions or discharges or which will not cause pollution.

(b) Any existing or proposed installation which the Department shall determine does not or will not cause the issuance of air or water contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified. Such a determination is agency action and is subject to Chapter 120, F.S. Such determination shall be made in writing and filed by the Department as a public record. Such determination may be revoked if the installation is substantially modified or the basis for the exemption is determined to be materially incorrect.

(2) These exemptions do not apply to the discharge to waters of the state from any article, machine, equipment, contrivance or their exhaust system, which contains water-borne radioactive material in concentrations above the natural radioactive background

concentration in the receiving water.

*Rulemaking Authority 403.061, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088, 403.802, 403.805, 403.813 FS. History—Formerly 17-4.03(2), FAC., New 3-4-72, Revised 5-17-72, Amended 8-7-73, 6-10-75; Joint Administrative Procedures Committee Objection filed – See FAR Vol. 1, No. 28, 7-18-75, Amended 10-26-75, 7-8-76; Joint Administrative Procedures Objection withdrawn – See FAR Vol. 3, No. 30, 7-29-77, Amended 7-13-78, 3-1-79, 3-11-81, 7-8-82, 3-31-83, 3-15-84, 12-10-84; Joint Administrative Procedures Committee Objection filed – See FAR Vol. 11, No. 11, 3-15-85, Amended 5-8-85; Amendments effective 6-24-85 – See Chapter 85-334, Laws of Florida; Joint Administrative Procedures Committee Objection withdrawn – See FAR Vol. 11, No. 51, 12-20-85, Formerly 17-4.04, Amended 3-17-86, 8-31-88, Formerly 17-4.040.*

**62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.**

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.

(2) All applications and supporting documents shall be filed with the Department.

(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except, when the application is for renewal of an air pollution operation permit at a non-Title V source as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

(4) Processing fees are as follows:

(a) Air Pollution Permits.

1. Construction Permit Fee for an Emissions Unit Requiring Prevention of Significant Deterioration or Nonattainment Area Preconstruction Review. The processing fee for a construction permit for an emissions unit requiring a Prevention of Significant Deterioration (PSD) or Nonattainment Area (NAA) preconstruction review pursuant to Rule 62-212.400 or 62-212.500, F.A.C., respectively, shall be \$7500.

2. Construction Permit Fee for an Emissions Unit Not Requiring Prevention of Significant Deterioration or Nonattainment Area Preconstruction Review. No processing fee shall be required for a construction permit for an emissions unit not requiring Prevention of Significant Deterioration (PSD) or Nonattainment Area (NAA) preconstruction review, if the facility containing the emissions unit holds an air operation permit issued pursuant to Chapter 62-213, F.A.C. For any such emissions unit at a facility not holding a Chapter 62-213, F.A.C., air operation permit, the processing fee shall be as follows:

a. Construction permit for an emissions unit having potential emissions of 100 or more tons per year of any single pollutant	\$5000
b. Construction permit for an emissions unit having potential emissions of 50 or more tons per year, but less than 100 tons per year, of any single pollutant	\$4500
c. Construction permit for an emissions unit having potential emissions of 25 or more tons per year, but less than 50 tons per year, of any single pollutant	\$2000
d. Construction permit for an emissions unit having potential emissions of 5 or more tons per year, but less than 25 tons per year, of any single pollutant	\$1000
e. Construction permit for an emissions unit having potential emissions of less than 5 tons per year of each pollutant	\$250
3. Operation Permit Fee for an Emissions Unit at a Non-Title V Source:	
a. Operation permit for an emissions unit required to measure actual emissions by stack sampling	\$1500

- b. Operation permit for an emissions unit required to measure actual emissions by any method other than stack sampling (such as visible emissions observation or continuous emissions monitoring) \$1000
- c. Operation permit for an emissions unit not required to measure actual emissions \$750

4. Similar Emissions Unit Fee. Where new or existing multiple emissions units located at the same facility are substantially similar in nature, the applicant may submit a single application and any required permit fee for construction or operation of the emissions units at the facility. To be considered substantially similar each of the emissions units must be substantially similar in regard to each of the following: nominal description or type of emissions unit; type of fuel burned; type of material processed, stored, or handled; type of air pollution control equipment; regulated pollutants emitted; applicable emissions standards; and applicable regulatory control criteria. For a construction permit, the single application fee shall be the fee that would apply for a single emissions unit with emissions that equal the total of the potential emissions of all of the substantially similar emissions units at the facility. The fee for an operation permit for a group of similar emissions units at the same facility, submitted under the same application and with the same emissions testing or monitoring requirements, shall be the fee that would apply to any emissions unit in the group if each emissions unit were being permitted singly.

5. Multiple Emissions Unit Fee. If the Department issues a single construction or operation permit covering multiple emissions units or groups of similar emissions units at a facility, the permit processing fee shall be the sum of the fees applicable to each emissions unit and group of similar emissions units covered by the permit.

(b) Domestic Wastewater Facility Permits.

1. Preliminary Design Report reviews for Types I, II, and III domestic wastewater facilities as defined in Rule 62-600.200, F.A.C. For new domestic wastewater facilities, the fee for review of a preliminary design report shall be in addition to the application processing fee.

	Type I	Type II	Type III
a. Treatment plant with or without reuse/disposal system	\$5000	\$3750	\$1200
b. Reuse/land application system and associated transmission/distribution facilities, when applied for separately from the treatment facility	\$5000	\$3750	\$1200
c. Residuals/septage management facility	\$7500	\$4000	\$1200
d. Limited wet weather discharge	\$1000	\$800	\$600

2. Wastewater permits for Types I, II, and III domestic wastewater facilities as defined in Rule 62-600.200, F.A.C.

	Type I	Type II	Type III
a. Treatment plant with or without reuse/disposal system	\$5000	\$3000	\$1000
b. Reuse/land application system and associated transmission/distribution facilities, when applied for separately from the treatment facility	\$5000	\$3000	\$1000
c. Residuals/septage management facility	\$7500	\$4000	\$1000
d. Limited wet weather discharge	\$1000	\$800	\$600

e. Wastewater permits for Type III facilities having a permitted capacity of less than 10,000 gallons per day shall be \$600.

3. Wastewater Permit for a surface water discharge, when applied for separately from the treatment facility.

- a. Type I facility \$2000
- b. Type II facility \$1000
- c. Type III facility \$500

4. Minor revisions, as defined in Rule 62-620.200, F.A.C., to wastewater permits for domestic wastewater facilities other than minor modifications of permits listed in paragraph 62-4.050(4)(s), F.A.C.

- a. Type I facility \$500
- b. Type II facility \$300
- c. Type III facility \$100

5. Substantial revisions, as defined in Rule 62-620.200, F.A.C., to wastewater permits for domestic wastewater facilities shall require a new wastewater permit application and applicable fee. The applicable application fee shall be:

a. For substantial revisions resulting from substantial modifications to the facility which require an antidegradation determination as specified in Rule 62-4.242, F.A.C., or which increase the permitted capacity of the treatment, reuse, or disposal system, the preliminary design report fee specified in subparagraph (4)(b)1.

b. For substantial revisions resulting from substantial modifications to the facility, but which do not require an antidegradation determination as specified in Rule 62-4.242, F.A.C., and which do not increase the permitted capacity of the treatment, reuse, or disposal system, 50 percent of the preliminary design report fee specified in subparagraph (4)(b)1.

c. For substantial revisions not associated with substantial modifications to the facility, 20 percent of the applicable application fee specified in subparagraph (4)(b)2.

6. Generic Permit for domestic wastewater treatment facilities.

- a. Treatment facility with permitted capacity of 10,000 gallons per day up to 100,000 gallons per day shall be \$1,000
- b. Treatment facility with permitted capacity less than 10,000 gallons per day shall be \$600

7. Construction Permit for domestic wastewater collection/transmission system.

- a. Domestic wastewater collection/transmission system serving 10 or more Equivalent Dwelling Units (EDUs). An EDU is equal to 3.5 persons \$500
- b. Domestic wastewater collection/transmission system serving less than 10 EDUs \$300

(c) Industrial Wastewater Facility Permits.

1. Wastewater permits for Group 1 industrial wastewater treatment facilities which discharge process wastewater, as defined in Rule 62-620.200, F.A.C., from the following industry categories: Citrus Processing; Textiles; Organic Chemicals, Plastics, and Synthetic Fibers; Inorganic Chemicals; Soaps and Detergents; Fertilizer Manufacturing; Petroleum Refining; Iron and Steel Manufacturing; Nonferrous Metals; Phosphate Manufacturing; Steam Electric Power Generating; Asbestos Manufacturing; Pulp, Paper, and Paper Board; Builders Paper and Board Mills; Coal Mining; Phosphate Mining and Beneficiation; Ore Mining and Dressing; Paint Formulating; Ink Formulating; Gum and Wood Chemicals Manufacturing; Pesticides Chemicals Manufacturing; Explosives Manufacturing; Battery Manufacturing; Mechanized Scallop Processing; Distilled, Rectified, and Blended Liquors; Sugar Cane Processing.

- a. Surface water discharges \$7500
- b. Non-surface water discharges only \$6000

2. Wastewater permits for Group 2 industrial wastewater treatment facilities which discharge process wastewater, as defined in Rule 62-620.200, F.A.C., from the following industry categories: Cement Manufacturing; Leather Tanning and Finishing; Glass Manufacturing; Rubber Processing; Carbon Black Manufacturing; Metal Molding and Casting; Coil Coating; Porcelain Enameling; Aluminum Forming; Copper Forming; Electrical and Electronic Components; Nonferrous Metals Forming and Metal Powders.

- a. Surface water discharges \$5000
- b. Non-surface water discharges only \$4000

3. Wastewater permits for Group 3 industrial wastewater treatment facilities which discharge process wastewater, as defined in Rule 62-620.200, F.A.C., from the following industry categories: Bulk Oil Terminals, Drawdown and Loading Rack Discharges; Dairy Products; Canned and Preserved Fruits and Vegetables; Canned and Preserved Seafood; Concrete Batch Plants; Timber Products; Mineral Mining and Processing; Peat Mining; Plastic Molding and Forming; Aquaculture Facilities.

a. Surface water discharges	\$2500
b. Non-surface water discharges only	\$2000
4. Wastewater permits for Group 4 industrial wastewater treatment facilities which discharge industrial wastewater from the following: Animal Feeding Operations, Feedlots, Egg Production Facilities.	
a. Feedlots with greater than the number of animals listed in subsection 62-670.200(3) or Rule 62-620.435, F.A.C.	\$2500
b. Feedlots, Other	\$1500
c. Egg Production Facility, Major	\$2500
d. Egg Production Facility, Other	\$1500
5. Wastewater permits for Group 5 industrial wastewater treatment facilities which discharge concentrate and regenerant from Reverse Osmosis, Membrane Softening, Ultrafiltration, Ion Exchange Units, and similar processes at Drinking Water Treatment Facilities.	
a. Design daily discharge flow of greater than 500,000 gpd	\$6000
b. Design daily discharge flow of greater than 100,000 gpd up to 500,000 gpd	\$4000
c. Design daily discharge flow of greater than 10,000 gpd up to 100,000 gpd	\$2000
d. Design daily discharge flow of 10,000 gpd or less	\$750
6. Wastewater permits for Group 6 industrial wastewater treatment facilities which discharge once-through non-contact cooling water.	
a. Greater than 100 million BTU/hour heat loss	\$6000
b. Greater than 20 million BTU/hour, up to 100 million BTU/hour	\$3000
c. Greater than 1 million BTU/hour, up to 20 million BTU/hour heat loss	\$1500
d. 1 million BTU/hour, or less, heat loss	\$500
7. Wastewater permits for industrial wastewater treatment facilities in industry categories not specified in Groups 1 through 3 which discharge process wastewater to surface waters, or industrial wastewater treatment facilities which discharge non-process wastewater, as defined in Rule 62-620.200, F.A.C., but excluding once-through non-contact cooling water, to surface waters.	
a. Design daily flow of greater than 500,000 gpd	\$5000
b. Design daily flow of greater than 100,000 gpd up to 500,000 gpd	\$3000
c. Design daily flow of greater than 50,000 gpd up to 100,000 gpd	\$2000
d. Design daily flow of 50,000 gpd or less	\$1000
8. Wastewater permits for industrial wastewater treatment facilities in industry categories not specified in Groups 1 through 3 which discharge process wastewater to other than surface waters, or industrial wastewater treatment facilities which discharge non-process wastewater, as defined in Rule 62-620.200, F.A.C., but excluding once-through non-contact cooling water, to other than surface waters.	
a. Design daily flow of greater than 500,000 gpd	\$4000
b. Design daily flow of greater than 100,000 gpd up to 500,000 gpd	\$2500
c. Design daily flow of greater than 50,000 gpd up to 100,000 gpd	\$1500
d. Design daily flow of 50,000 gpd or less	\$750
9. Wastewater permits for industrial wastewater treatment facilities which recycle the wastewater and have no discharge to surface or ground waters, and are not otherwise exempt from permitting.	

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| a. Facilities recycling greater than 10,000 gpd | \$500 |
| b. Facilities recycling 10,000 gpd or less      | \$100 |
10. Minor revisions, as defined in subsection 62-620.200(24), F.A.C., to wastewater permits for industrial wastewater facilities other than minor modifications of permits listed in paragraph 62-4.050(4)(q), F.A.C.
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| a. Facilities which have no discharge to surface or ground waters | \$100 |
| b. All others   | \$250 |
11. Substantial revisions, as defined in subsection 62-620.200(45), F.A.C., to wastewater permits for existing industrial wastewater facilities shall require a new wastewater permit application and applicable fee. The applicable fee shall be:
- a. For substantial revisions resulting from substantial modifications to the facility which require an antidegradation determination as specified in Rule 62-4.242, F.A.C., or which increase the permitted capacity of the treatment or disposal system, the full applicable application fee.
- b. For substantial revisions resulting from substantial modifications to the facility, but which do not require an antidegradation determination as specified in Rule 62-4.242, F.A.C., and which do not increase the permitted capacity of the treatment or disposal system, 50 percent of the applicable application fee.
- c. For substantial revisions not associated with substantial modifications to the facility, 20 percent of the applicable application fee or \$250, whichever is greater.
12. The fee for review of engineering reports for new industrial facilities shall be in the same amount as the applicable application processing fee for the facility and shall be in addition to the application processing fee.
13. Industrial wastewater general and generic permits.
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| a. General and generic permits requiring Professional Engineer or Professional Geologist certification     | \$500 |
| b. General and generic permits not requiring Professional Engineer or Professional Geologist certification | \$100 |
14. Collection systems for industrial wastewater treatment facilities. \$500
15. A permitted facility which falls in more than one of the fee categories in subparagraphs (4)(c)1. through 8. shall not be subject to multiple fees, but shall pay the larger of the fees.
- (d) Stormwater facilities or activities regulated under Section 403.0885, F.S.
1. Generic Permit for Stormwater Discharge from Large and Small Construction Activities.
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| a. Activities disturbing 5 or more acres (large)                                 | \$400 |
| b. Activities disturbing 1 acre of land or greater and less than 5 acres (small) | \$250 |
2. Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity \$500
3. No Exposure Certification for Exclusion from NPDES Stormwater Permitting \$200
4. Stormwater discharge associated with industrial activity permitted under Chapter 62-620, F.A.C. \$1,000
5. Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4s):
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| a. Phase II MS4s in jurisdiction with a population of 50,000 or greater as determined by the 2000 Decennial Census by the U.S. Bureau of Census   | \$11,700 |
| b. Phase II MS4s in a jurisdiction with a population of greater than 10,000 but less than 50,000 as determined by the 2000 Decennial Census by the U.S. Bureau of Census                        | \$7,988  |
| c. Phase II MS4s in a jurisdiction with a population of 10,000 or less as determined by the 2000 Decennial Census by the U.S. Bureau of Census; Florida Department of Transportation facilities | \$5,625  |
- (e) Wetland Resource Management (Dredge and Fill) Permits. This paragraph pertains to projects that have been grandfathered according to Sections 373.414(11) (1994 Supp.), (12)(a) (1994 Supp.), (13), (14), (15) or (16), F.S., and projects, or portions thereof, located in the Northwest Florida Water Management District.



1. Dredge and fill construction projects up to and including 5 years:	
a. Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area pursuant to subsection 62-312.070(2), F.A.C.	\$4,000
b. Standard form construction projects that involve the construction of new docking facilities pursuant to Rule 62-312.070, F.A.C., that provide:	
(I) 50 or more new boat slips	\$4,000
(II) 25 to 49 new boat slips	\$4,000
(III) 10 to 24 new boat slips	\$2,480
(IV) 3 to 9 new boat slips	\$830
(V) 0 to 2 new boat slips	\$500
c. Short form construction projects involving dredging or filling of 9.99 acres or less of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C.	\$830
d. Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to Rule 62-312.070, F.A.C., that provide:	
(I) 0 to 2 new boat slips	\$500
(II) 3 to 9 new boat slips	\$830
(III) The addition of 3 to 20 docking slips to existing functional docking facilities where the total facility will not exceed 50 slips and the existing and proposed slips are not associated with commercial facilities or facilities which provide supplies or services required for boating activities.	\$760
e. Short form and standard form projects solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S.	\$250
2. Dredge and fill construction permits in excess of 5 years:	
a. Short form permits from 6 years up to and including 10 years	\$4,950
b. Standard form permits for 6 years	\$10,650
c. Standard form permits for 7 years	\$12,430
d. Standard form permits for 8 years	\$14,200
e. Standard form permits for 9 years	\$15,980
f. Standard form permits for 10 years	\$17,750
g. Standard form permits for 11 years	\$19,530
h. Standard form permits for 12 years	\$21,300
i. Standard form permits for 13 years	\$23,080
j. Standard form permits for 14 years	\$24,850
k. Standard form permits for 15 years	\$25,000
l. Standard form permits for 16 years	\$25,000
m. Standard form permits for 17 years	\$25,000

n. Standard form permits for 18 years	\$25,000
o. Standard form permits for 19 years	\$25,000
p. Standard form permits for 20 years	\$25,000
q. Standard form permits for 21 years	\$25,000
r. Standard form permits for 22 years	\$25,000
s. Standard form permits for 23 years	\$25,000
t. Standard form permits for 24 years	\$25,000
u. Standard form permits for 25 years	\$25,000
v. 6 to 10-year permits for beach restoration projects approved pursuant to Chapter 161, F.S., and to maintenance dredge navigation channels, port harbors, turning basins and harbor berths located within deepwater ports, pursuant to Section 403.816, F.S.	\$5,000
w. Permits for phosphate and attapulgite mines with a duration of greater than 25 years pursuant to the provisions of Section 373.414(15), F.S.	\$25,000
x. Modifications involving permits issued pursuant to Section 403.816, F.S., or Chapter 62-45, F.A.C.	\$1,000
y. 6 to 25-year permits pursuant to Chapter 62-45, F.A.C., and all permits under Section 403.816, F.S.	\$5,000
z. Short form and standard form projects solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S.	\$250
<b>3. Mitigation Banks</b>	
a. Mitigation Bank Permit, other than Conceptual Approval Permit	\$6,050
b. Credit Release (credit available for sale)	\$330
c. Credit Withdrawal (actual use of credit)	\$0
d. Mitigation Bank Conceptual Approval Permit	\$6,050
e. Major modifications involving changes to one or more of the following components: service area; credit assessment; success or release criteria; hydrologic structures or alterations; construction or mitigation design that does not increase the project area; elimination of lands; or monitoring or management plans:	
(I) Affecting one of the above components	\$1,340
(II) Affecting two of the above components	\$2,680
(III) Affecting three of the above components	\$4,020
<b>4. Modifications:</b>	
a. Major modifications of Standard Form and Short Form Permits, as determined by Rule 62-312.100, F.A.C., and mitigation banks under Chapter 62-342, F.A.C., that increase the project area or involve four or more of the components listed in sub-subparagraph 62-4.050(4)(e)3.e., F.A.C., other than for Class I solid waste disposal facilities or as otherwise specified above	Same fee as for a new application for the activity
b. Minor modifications of Standard Form and Short Form Permits, including mitigation banks, where the modification will not require substantial technical evaluation by the Department, will not lead to substantially different environmental impacts or will lessen the impacts of the original permit, and as further determined by	

Rule 62-312.100, F.A.C., other than for Class I solid waste disposal facilities or as otherwise specified above:

(I) To correct minor errors or typographical mistakes and that do not involve technical review	\$0
(II) To incorporate changes requested by the Department or required through permits issued by other regulatory agencies, and to change due dates for reporting or performance deadlines when such changes in the due date do not involve any new work, any new work locations, or any new activities, and will not alter, replace, or otherwise eliminate the requirements for otherwise performing the work required by the permit	\$0
(III) That consist of transfers of permits or time extensions	\$80
(IV) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is less than \$300, except for modifications to permits issued pursuant to Section 403.816, F.S.	\$250
(V) That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is more than or equal to \$300, except for permits issued pursuant to Section 403.816, F.S.	\$420
(VI) For minor modifications for Class I solid waste disposal facilities	\$2,110
5. For the purposes of determining the fee for wetlands resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the Department determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.	
6. For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.	
7. Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource or mangrove alteration permit application:	
a. Under Section 403.812, F.S.	
(I) From the prohibition of subsection 62-312.080(7), F.A.C.	\$170
(II) Other variances	\$830
b. Under Section 120.542, F.S.	\$0
8. Verification of qualification to use a general permit, except:	\$250
a. Paving of existing municipally owned roads under Rule 62-312.824, F.A.C.	\$0
b. Environmental enhancement and restoration activities conducted by the U.S. Army Corps of Engineers under Rule 62-312.825, F.A.C.	\$0
9. Verification that an activity is exempt from regulation under Section 403.813, F.S., or Part IV of Chapter 373, F.S.	\$100
(f) Mangrove Alteration and Trimming	
1. Alteration of less than 20 mangroves under Section 403.9328, F.S.	\$420
2. Alteration of 20 or more mangroves under Section 403.9328, F.S.	\$830
3. General Permit under Section 403.9327, F.S.	\$250

4. Verification of an exemption for trimming or alteration	\$0
5. Minor modification, other than transfer & time extensions	\$250
6. Transfer of ownership or permit	\$90
7. Time extension	\$90
8. Variance under Section 403.9333, F.S.	\$170
(g) Stormwater Permits under Chapter 62-25, F.A.C.	
1. Notice to use stormwater general permit per paragraphs 62-25.801(1)(a) through (d), F.A.C.	\$420
2. Conversion of construction permit to operation	\$100

(h) Environmental Resource Permits. Processing fees required by the Department and the Northwest Florida Water Management District (NFWFMD) for activities regulated under Chapter 62-330, F.A.C., are listed below. For purposes of determining the applicable processing fee, the terms “activity,” “project,” “project area,” and “works” are as defined in Section 2.0 of the Applicant’s Handbook Volume I incorporated by reference in paragraph 62-330.010(4)(a), F.A.C.

1. Activities qualifying for an Agency’s electronic self-certification:

- |   |     |
|---|-----|
| a. Self-certification in accordance with the general permit under Section 403.814(12), F.S. | \$0 |
| b. Self-certification for activities other than those under Section 403.814(12), F.S.       | \$0 |

2. Determination of qualification for an activity exemption

- |  |       |
|--|-------|
| a. Under Rules 62-330.050 and 62-330.051, F.A.C. | \$100 |
| b. Under Rule 62-330.0511, F.A.C.                | \$0   |

3. Determination of qualification to use a general permit	\$250
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4. Individual or conceptual approval permit, excluding permits for a mitigation bank:

a. New application – the processing fee for a new permit application shall be as determined from the categories below:

(I) Total project area of less than 10 acres and less than 1 acre of works in, on, or over wetlands and other surface waters, and less than 10 new boat slips	\$420
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(II) Project exceeds any of the thresholds in 4.a.(I), above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on, or over wetlands and other surface waters, and less than 30 new boat slips	\$1,500
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(III) Project exceeds any of the thresholds in 4.a.(II), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on, or over wetlands and other surface waters, and less than 50 new boat slips	\$5,000
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(IV) Project exceeds any of the thresholds in 4.a.(III), above, but involves a total project area of less than 640 acres, and less than 50 acres of works in, on, or over wetlands and other surface waters	\$9,000
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(V) Project exceeds any of the thresholds in 4.a.(IV), above	\$14,000
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(VI) Project exclusively for agricultural or silvicultural purposes; the fee for projects that are solely for agricultural or silvicultural purposes shall be the same as that required by the Water Management District in which the majority of the project area is located, in accordance with Rule 40A-44.201, F.A.C, (7-1-98) incorporated by reference herein ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-02680">http://www.flrules.org/Gateway/reference.asp?No=Ref-02680</a> ); and Rules 40B-1.706, 40C-1.603,	The fee shall be the same as that required by the Water Management District in which the
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40D-1.607, or 40E-1.607, F.A.C., as applicable, as incorporated by reference in Rule 62-330.071, F.A.C.

majority of the project area is located.

(VII) Individual or conceptual approval permit solely for environmental restoration or enhancement, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For purposes of this provision, the term "environmental restoration or enhancement" means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for fish, wildlife, and listed species

\$250

(VIII) Individual or conceptual approval permit solely to retrofit an existing stormwater management system or to add treatment to and reduce stormwater pollutant loadings from an existing stormwater management system

\$250

(IX) Individual permit to construct, alter, maintain or operate a project that is consistent with a valid conceptual approval permit

50% of the fee otherwise required for an individual permit under 4.a.(I) through (VIII), above, but not below the minimum required processing fee of \$250

b. Major modification exceeding any of the thresholds in subsection 62-330.315(3), F.A.C.

Same fee as for new permit for the same activity under 4.a.(I) through (IX), above

5. Individual or conceptual approval permit for a mitigation bank:

a. New application

\$6,050

b. Major modification exceeding any of the thresholds in subsection 62-330.315(3), F.A.C.:

(I) Major modification affecting one of the following: the service area, credit assessment, success or release criteria, hydrologic structures or alterations, elimination of lands, monitoring or management plans, or construction or mitigation design that does not increase the project area

\$1,340

(II) Affecting two of the components in 5.b.(I), above

\$2,680

(III) Affecting three of the components in 5.b.(I), above

\$4,020

(IV) All other major modifications

\$6,050

c. Mitigation bank credit release

\$330

d. Mitigation bank credit withdrawal

\$0

6. Minor modification of an individual or conceptual approval permit, including a permit for a mitigation bank, that does not exceed any of the thresholds in subsection 62-330.315(3), F.A.C.:

a. Extension of permit duration, where not exempt from payment of fees under Florida Statutes

\$80

b. To correct minor errors that do not involve technical review

\$0

c. To transfer ownership of a permit or to transfer the permit to an operation and maintenance

entity	\$0
d. All other minor modifications	\$250
7. Variance or waiver:	
a. Under Section 120.542, F.S.	\$0
b. Under Section 373.414(17), F.S.	\$170
8. Fee reductions:	
a. Applications for an individual or conceptual approval permit or modification thereof submitted using the Agency's electronic application system where the processing fee in subparagraph (h)4. or 5., above exceeds \$250	Fee shall be reduced by \$100, but not below the minimum required processing fee of \$250
b. Applications for any activity by an entity qualifying under Section 218.075, F.S. when the fee under paragraph (h) exceeds \$100	\$100
c. Applications for any activity when submitted by the U.S. Department of Defense	\$0
(i) Determinations of the Landward Extent of Wetlands and Other Surface Waters:	
1. Informal determination – fees shall be based on the acreage of the entire property for which the request applies, as follows:	
a. Total area to be included in the determination is up to 1 acre	\$100
b. Additional fee per acre (or portion thereof) beyond the first acre; total fee not to exceed \$500	\$50
2. Petitions for formal determination – fees shall be based on the acreage of the entire property for which the petition is filed, as follows:	
a. Total area to be included in the determination is less than 10 acres	\$780
b. Total area to be included in the determination is at least 10, but less than 40 acres	\$1,060
c. Total area to be included in the determination is at least 40, but no more than 100 acres	\$2,110
d. Additional fee per 100 acres (or portion thereof) beyond the first 100 acres	\$290
3. Reissuance of a formal determination, in accordance with section 7.2.4 of Applicant's Handbook Volume I.	\$350
(j) Solid Waste Permits.	
1. Construction permit for a Class I facility.	\$10,000
2. Construction permit for a Class II facility.	\$10,000
3. Construction permit for a Class III facility.	\$6000
4. Construction permit for a waste-to-energy facility not covered by the Electric Power Plant Siting Act.	\$10,000
5. Construction permit for other resource recovery facilities.	\$2000
6. Construction permit for an incinerator.	\$3000
7. Construction permit for a yard trash composting facility.	\$2000
8. Construction permit for a manure composting facility.	\$2000

9. Construction permit for a solid waste composting facility.	\$5000
10. Construction/operation permit for a waste tire processing facility.	\$1250
11. Construction permit for all other solid waste facilities.	\$1000
12. Construction permit for an offsite Biohazardous Waste Treatment Facility other than a biohazardous waste incinerator.	\$2000
13. Construction permit and/or an operation permit for a facility which has multiple solid waste management components which normally would require individual solid waste permits. A single application may be submitted and the permit fee will be the sum of each individual permit; however, the total permit fees for the facility shall not exceed \$25,000, exclusive of modifications and renewals.	
14. Operation permit for a Class I facility.	\$10,000
15. Operation permit for a Class II facility.	\$10,000
16. Operation permit for a Class III facility.	\$4000
17. Operation permit for a waste-to-energy facility not covered by the Electric Power Plant Siting Act.	\$10,000
18. Operation permit for other resource recovery facilities.	\$1000
19. Operation permit for an incinerator.	\$1000
20. Operation permit for a yard trash composting facility.	\$1000
21. Operation permit for a manure composting facility.	\$1000
22. Operation permit for a solid waste composting facility.	\$3000
23. Operation permit for an offsite Biohazardous Waste Treatment Facility other than a biohazardous waste incinerator.	\$1000
24. Operation permit for all other solid waste facilities.	\$500
25. Request for an Alternate Procedure.	
a. Landfill	\$2000
b. Other	\$500
26. Research, Development and Demonstration permits (one year permit).	\$1000
27. Closure permit for a Class I facility.	\$7500
28. Closure permit for a Class II facility.	\$7500
29. Closure permit for a Class III facility.	\$4000
30. Closure permit for all other solid waste facilities.	\$1000
31. Renewal of Closure permit for landfills which address only long term care.	\$1000
32. Construction or Operation permits for Materials Recovery Facility.	\$2000
33. Ground Water Monitoring Plan Approvals for solid waste landfills with no other Department permit.	\$500
(k) Petroleum Cleanup General Permits.	

1. Soil thermal treatment – mobile.	\$500
2. Soil thermal treatment – stationary.	\$500
(1) Hazardous Waste Permits.	
1. Construction of container and/or tank hazardous waste storage facilities.	\$15,000
2. Construction of container and/or tank hazardous waste storage and treatment facilities.	\$20,000
3. Construction of landfill, surface impoundment, waste pile, land treatment, and miscellaneous unit facilities.	\$25,000
4. Construction of hazardous waste storage, treatment and/or disposal facilities with an incinerator, boiler or industrial furnace for treatment of hazardous wastes generated on-site.	\$25,000
5. Construction of commercial treatment, storage, and/or disposal facility with a commercial incinerator, boiler or industrial furnace managing hazardous wastes generated off-site.	\$32,500
6. Operation of container and/or tank hazardous waste storage facilities.	\$10,000
7. Operation of container and/or tank hazardous waste storage and treatment facilities.	\$10,000
8. Operation of landfill, surface impoundment, waste pile, land treatment, and miscellaneous unit facilities.	\$15,000
9. Operation of hazardous waste storage, treatment and/or disposal facilities with an incinerator, boiler or industrial furnace for treatment of hazardous wastes generated on-site.	\$15,000
10. Operation of commercial treatment, storage, and/or disposal facilities with a commercial incinerator, boiler or industrial furnace managing hazardous wastes generated off-site.	\$32,500
11. Closure of container and/or tank hazardous waste storage facilities.	\$10,000
12. Closure of container and/or tank hazardous waste storage and treatment facilities.	\$10,000
13. Closure of landfill, surface impoundment, waste pile, land treatment, previously closed units required to demonstrate equivalent clean closure, and miscellaneous unit facilities.	\$20,000
14. Closure of hazardous waste storage, treatment and/or disposal facilities with an incinerator, boiler or industrial furnace for treatment of hazardous wastes generated on-site.	\$15,000
15. Closure of commercial treatment, storage, and/or disposal facilities with a commercial incinerator, boiler or industrial furnace managing hazardous wastes generated off-site.	\$32,500
16. Hazardous waste research, development and demonstration facilities.	\$4000
17. Fees for modifications to hazardous waste permits proposed by the permittee or required by Department rules shall be determined as stated below. All modifications listed below require public notice. Contact the appropriate District Office for guidance on how to determine which fee applies before submitting the required information.	
a. Substantial modifications that require significant changes to the existing permit and require an extensive evaluation by the Department. These shall require the same fee as a new application. Examples in this category include alteration of the existing facility, change in the facility plan, ground water monitoring program assessment or remediation/engineering design or other general facility standard. The fee schedule for new permit applications is listed above.	
b. Substantial modifications that require a moderate technical evaluation by the Department. Examples in this category include alterations of the existing facility or its	



operation which will require additional site-specific evaluation.	\$10,000
c. Moderate modifications that require moderate technical evaluation by the Department. These require a new site inspection, lead to different environmental impacts, or lessen the impacts of the original permit.	\$5,000
d. Minor modifications, as defined in this subsection, that are not otherwise specified, including common or frequently occurring changes needed to maintain a facility's capacity to manage wastes safely, minor changes in ground water monitoring plans, or modifications to conform to new requirements.	\$1,000
18. Department variance from federal regulations under 40 CFR 260.30.	\$32,500
19. All other hazardous waste facility permits or authorizations for which a specific fee is not specified.	\$32,500
(m) Underground Injection Control Permits.	
1. Construction permit for each Class I test/injection well.	\$12,500
2. Construction permit for each Class I exploratory well.	\$5,000
3. Construction permit for each monitoring well associated with a Class I injection facility when not permitted under a Class I exploratory well or Class I test/injection well permit.	\$1,000 per well not to exceed \$10,000 for the facility
4. Permit to convert each well from a Class I to a Class V well.	\$10,000
5. Operation permit for each Class I well.	\$10,000
6. Permit to convert a Class I injection well or exploratory well to a monitoring well when not proposed under a construction permit.	\$500
7. Abandonment permit for each Class I well.	\$100
8. Construction permit for each Class III well.	\$1,000
9. Operation permit for each Class III well.	\$1,000
10. Abandonment permit for each Class III well.	\$100
11. Construction permit for each Class V well.	\$750
12. Operation permit for each Class V well.	\$750
13. Abandonment permit for each Class V well.	\$25
14. General permit for each Class V well.	
a. General permits requiring Professional Engineer or Professional Geologist certification	\$250
b. General permits not requiring Professional Engineer or Professional Geologist certification	\$25
15. Major modifications are modifications to an injection facility requiring substantial technical evaluation by the Department, and which will not lead to substantially different environmental impacts (unless those impacts will lessen the impacts of the original permit).	
a. Major modification to a Class I injection facility.	\$1,000
b. Major modification to a Class III injection facility.	\$500
c. Major modification to a Class V injection facility.	\$250

16. Minor modifications are modifications to an injection facility that do not require a substantial technical evaluation by the Department, will not result in increased capacity of the injection system, do not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit.

- a. Minor modification to a Class I or Class III injection facility. \$250
- b. Minor modification to a Class V injection facility. \$100

17. Rerating of the permitted capacity of a Class I injection well to the maximum injection velocity allowed under paragraph 62-28.230(1)(e), F.A.C. \$250

(n) Drinking Water (Public Water Supply) Permits.

1. Construction permit for each Category I through III treatment plant, as defined in Rule 62-699.310, F.A.C.

- a. Treatment plant – 5 MGD and above \$12,500
- b. Treatment plant – 1 MGD up to 5 MGD \$10,000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$7,000
- d. Treatment plant – 0.1 MGD up to 0.25 MGD \$4,000
- e. Treatment plant – up to 0.1 MGD \$2,000

2. Construction permit for each Category IV treatment plant, as defined in Rule 62-699.310, F.A.C.

- a. Treatment plant – 5 MGD and above \$12,500
- b. Treatment plant – 1 MGD up to 5 MGD \$10,000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$7,000
- d. Treatment plant – 0.1 MGD up to 0.25 MGD \$4,000
- e. Treatment plant – .01 MGD up to 0.1 MGD \$2,000
- f. Treatment plant – up to 0.01 MGD \$800

3. Construction permit for each Category V treatment plant, as defined in Rule 62-699.310, F.A.C.

- a. Treatment plant – 5 MGD and above \$10,000
- b. Treatment plant – 1 MGD up to 5 MGD \$6,000
- c. Treatment plant – 0.25 MGD up to 1 MGD \$2,000
- d. Treatment plant – up to 0.25 MGD \$1,000
- e. Treatment plant – up to 0.1 MGD \$600

4. Distribution and transmission systems, including raw water lines into the plant, except those under general permit.

- a. Serving a community public water system \$900
- b. Serving a non-transient non-community public water system \$700
- c. Serving a non-community public water system \$500

5. Construction permit for each public water supply well.

- a. Well located in a delineated area pursuant to Chapter 62-524, F.A.C. \$1,000
- b. Any other public water supply well. \$500

6. Major modifications to systems that alter the existing treatment without expanding the capacity of the system and are not

considered substantial changes pursuant to subsection 62-4.050(7), F.A.C., below.

a. 1 MGD and above	\$4,000
b. 0.1 MGD up to 1 MGD	\$2,000
c. 0.01 MGD up to 0.1 MGD	\$1,000
d. Up to 0.01 MGD	\$500
7. Minor modifications to systems that result in no change in the treatment or capacity.	
a. 0.1 MGD and above	\$1,000
b. Up to 0.1 MGD	\$500
8. General Permit fee for any General Permit not specifically in subparagraphs 1. through 7. above:	
a. General permits requiring Professional Engineer or Professional Geologist certification.	\$650
b. General permits not requiring Professional Engineer or Professional Geologist certification.	\$500
(o) Temporary operation permits shall be 20 percent over the fee for the operation permit for the activity to be permitted.	
(p) General Permit fee for any General Permit not specifically listed in paragraphs (a) through (l).	
1. General permits requiring Professional Engineer or Professional Geologist certification	\$250
2. General permits not requiring Professional Engineer or Professional Geologist certification.	\$100
(q) Unless otherwise specified in this rule, the fee for applications for relief mechanisms shall be as follows:	
1. Site specific alternative criteria for each water quality criteria	\$15,000
2. Variance or exemption for each water quality criteria	\$6000
3. Variance or exemption for public water system from maximum contaminant level/treatment techniques	\$1000
4. Variance from other permitting standards or conditions	\$2000
5. Aquifer exemption – major	\$15,000
6. Aquifer exemption – minor	\$7500
(r) Permits to construct or operate any other type of facility or stationary installation not specifically listed in paragraphs (a) through (n).	\$100
(s) Minor modifications of permits that do not require substantial technical evaluation by the Department, do not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:	
1. To correct minor errors or typographical mistakes and that do not involve technical review	\$0
2. To incorporate changes requested by the Department or required through permits issued by other regulatory agencies, and to change due dates for reporting or performance deadlines when such changes in the due date do not involve any new work, any new work locations, or any new activities, and will not alter, replace, or otherwise eliminate the requirements for	

otherwise performing the work required by the permit	\$0
3. That consist of transfers of permits or time extensions	\$50
4. That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is less than \$300, except for modifications to permits issued pursuant to Section 403.816, F.S.	\$50
5. That consist of minor technical changes which involve new work, new work locations, new activities, or any other change which alters, replaces, or otherwise eliminates the work authorized by the permit when the original permit fee of the issued permit is more than or equal to \$300, except for Domestic Wastewater Facility Permits, Industrial Wastewater Facility Permits, Drinking Water (Public Water Supply) Permits, Underground Injection Control Permits and permits issued pursuant to Section 403.816, F.S.	\$250

(t) For purposes of requiring a permit application and fee for the following facility types, each non-contiguous project shall be considered a stationary installation and shall require a separate application and fee.

1. Domestic wastewater collection system.
2. Drinking water distribution system.

(u) All fees shall be deposited in the Florida Permit Fee Trust Fund created pursuant to Section 403.087(5), F.S.

(v) If the department requires by rule or permit condition that any specific permit be renewed more frequently than once every five years, the permit fee shall be prorated based upon the permit fee schedule in effect at the time of permit renewal. Upon issuance of such a permit, a prorated refund of the fee shall be returned to the applicant. This provision does not apply to permits issued for less than five years which could be extended to five years without the filing of an application for renewal. However, applications for permits to continue operation of a facility where an existing permit has or is about to expire in accordance with Section 403.087(1), F.S., shall be accompanied by the appropriate processing fee.

(w) This fee schedule does not apply to applications for certification pursuant to Sections 288.501-.518, F.S., Florida Industrial Siting Act; Sections 341.321-.386, F.S., the High Speed Rail Transportation Commission, except that fees may be assessed for the permitting of Ancillary Facilities under the Act for which a master plan approval was granted under the Act; to Sections 403.501-.519, F.S., Florida Electrical Power Plant Siting Act; or to Sections 403.52-.539, F.S., the Transmission Line Siting Act.

(x) This fee schedule will supersede all other references to fees in Department rules or forms, where in conflict except as noted in paragraph 62-4.050(4)(n), F.A.C.

(y) In the jurisdiction of an approved local program which in accordance with an interagency agreement assists the Department in the processing of permits the fee paid to the Department shall be reduced by the amount specified in the agreement. That amount shall be commensurate with the savings to the Department resulting from the assistance of the local program.

(z) The fees in paragraphs (e) through (i), and (n) shall be increased March 1, 2013, and at subsequent 5-year intervals, to adjust the fees for inflation using the percentage change in the Consumer Price Index for the "CPI-U, U.S. City Average, All Items" established by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication "Handbook of Methods," Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)). The Department shall use the percentage change in the Consumer Price Index from March 2008 to December 2012 for the 2013 fee calculations and the percentage change in the rates from March to December for subsequent five-year periods. The Department shall round any increased fees to the next highest whole ten dollar increment. In the event of deflation during the 5-year interval, the Department shall consult with the Executive Office of the Governor and the Legislature to determine whether downward fee adjustments are appropriate based on the current budget and appropriation considerations.

(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.

(b) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the required fee was not received and advise the applicant of the correct fee. The Department shall take no further action until the correct fee is received. If a fee was received by the Department which is less than the amount required, the Department shall return the fee along with the written notification.

(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(1) and 403.0876, F.S., shall begin.

(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.

(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(1) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.

(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application for the same time duration except for modification under Chapter 62-45, F.A.C.

(8) The difference between the processing fee for applications for individual permits and the processing fee for general permits shall be refunded only for those applications that qualify for a general permit solely as a result of a change in Department rules while the application is being processed. Processing fees for applications for individual permits shall not be refunded in whole or in part where an applicant modifies a project to qualify for a general permit when the project did not qualify for a general permit when processing commenced.

*Rulemaking Authority 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS. History—New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06, 10-31-07, 4-21-09, 5-9-13, 10-1-13.*

#### **62-4.052 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters.**

(1) Scope and Intent. As authorized in Section 403.087(6), F.S., this rule implements annual regulatory program and surveillance fees (annual fees) for wastewater and stormwater permits. These fees are in addition to the application fees described in Rule 62-4.050, F.A.C., and effect the legislative intent that the Department's costs for administering the National Pollutant Discharge Elimination System (NPDES) be borne by regulated parties. As such, the annual fees are applicable only to facilities and activities subject to regulation under Chapters 62-620, 62-621 and 62-624, F.A.C., pursuant to Section 403.0885, F.S., and the NPDES program.

(2) Annual fees for the regulatory program and surveillance of wastewater and stormwater facilities are not refundable and shall be due and payable as follows:

(a) In the initial year the Department administers a new component of the NPDES program, annual fees shall be required for all facilities which have an NPDES permit for which the Department is granted administrative authority. The amount due shall be the applicable annual fee described in subsection (5), (6), (8), (9), (10), (11) or (13) of this section, pro-rated to the portion of the calendar year from October 22, 2000 to the end of the calendar year, and are due and payable no later than 60 days after October 22, 2000.

(b) In all subsequent years, the entire annual fee shall be due and payable no later than January 15 each year for all facilities that are subject to regulation under Section 403.0885, F.S., on that date.

(c) When a new wastewater facility or activity is issued a permit under either Chapter 62-620, 62-621, or 62-624, F.A.C., pursuant to Section 403.0885, F.S., the first annual fee shall be due no later than 60 days after permit issuance. The amount due shall be the applicable annual fee described in subsection (5), (6), (8), (9), (10), (11), or (13) of this section, pro-rated to the remaining portion of the calendar year in which the permit is issued. Thereafter, the fee shall be due and payable pursuant to paragraph (b) above.

(d) When a new wastewater facility or activity is provided notice of coverage by the Department under a generic permit, the first annual fee shall be due no later than 60 days after notice of coverage is received by the permittee. The amount due shall be the

applicable annual fee under this section, pro-rated to the remaining portion of the calendar year in which generic permit coverage is obtained. Thereafter, the fee shall be due and payable pursuant to paragraph (b) above.

(3) Non-payment or late payment of an annual fee shall be grounds for enforcement action pursuant to Sections 403.121, 403.141 and 403.161, F.S. Non-payment of an annual fee shall be grounds for revocation of the wastewater or stormwater permit or denial of an application for renewal of the wastewater or stormwater permit.

(4) When a permit is revised in a manner which places the facility in a different annual fee category, the fee shall be changed as appropriate and the new fee shall be due no later than the January 15 following permit revision.

(5) The annual fees for domestic wastewater facilities authorized to discharge to surface waters shall be based on the permitted capacity of the discharge to surface waters except for discharges to surface waters which serve as backup discharges for permitted reuse systems. The annual fees for permits to discharge to surface waters which serve as backup discharges for permitted reuse systems, including limited wet weather discharges, shall be based on an adjusted surface water discharge permitted capacity. This adjusted capacity shall be used only for the purpose of establishing the annual fee under this section. The adjusted surface water discharge permitted capacity shall be equal to the actual permitted capacity of the discharge to surface waters minus 70 percent of that portion of the discharge to surface waters which serves as a backup:

(a) 20 mgd and above	\$7,000
(b) 10 mgd up to, but less than, 20 mgd	\$6,750
(c) 5 mgd up to, but less than, 10 mgd	\$6,500
(d) 2 mgd up to, but less than, 5 mgd	\$6,250
(e) 1 mgd up to, but less than, 2 mgd	\$6,000
(f) 0.5 mgd up, but less than, 1 mgd	\$5,625
(g) 0.1 mgd up to, but less than, 0.5 mgd	\$3,375
(h) 0.025 mgd up to, but less than, 0.1 mgd	\$1,125
(i) 0.010 mgd up to, but less than, 0.025 mgd	\$300
(j) Less than 0.010 mgd	\$200

(6) The annual fees for industrial wastewater facilities or activities permitted to discharge to surface waters are based, using only their discharges to surface waters, on the group classifications used in subparagraphs 62-4.050(4)(c)1. through 7., F.A.C., and the classification of Minor or Major as defined in subsection 62-620.200(22), F.A.C., and are as follows:

	Major	Minor
(a) Group 1	\$11,500	\$8,600
(b) Group 2	\$7,700	\$5,800
(c) Group 3	\$3,800	\$2,900
(d) Group 4	\$3,800	\$2,900
(e) Group 5A	\$9,200	\$6,900
(f) Group 5B	\$6,100	\$4,600
(g) Group 5C	\$3,100	\$2,300
(h) Group 5D	\$1,150	\$850
(i) Group 6A	\$9,200	\$6,900
(j) Group 6B	\$4,600	\$3,500
(k) Group 6C	\$2,300	\$1,700
(l) Group 6D	\$800	\$600
(m) Group 7A	\$7,700	\$5,800
(n) Group 7B	\$4,600	\$3,500
(o) Group 7C	\$3,100	\$2,300
(p) Group 7D	\$1,500	\$1,100

(7) The following provisions apply in specific circumstances:

(a) A permitted facility which falls in more than one of the fee categories in subsections (5) or (6) shall not be subject to multiple fees, but shall pay the larger of the fees. However, multiple wastewater permits issued pursuant to Chapter 62-620, F.A.C., authorizing discharges to surface waters through a common outfall shall be subject to individual fees; and

(b) When the discharge to surface waters consists of both stormwater and wastewater, the annual fee for categories which vary

according to the flow of the facility shall be based on the volume of the wastewater permitted to be discharged. However, facilities with stormwater-only discharges regulated in its wastewater permit pursuant to Section 62-620.445, F.A.C., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6), F.S. The additional fee for stormwater-only discharges does not apply to internal stormwater streams.

(8) The annual fee for domestic or industrial wastewater facilities or activities which fall in one of the categories below shall be as follows:

(a) Facilities which use an underground injection well for effluent disposal and are permitted to discharge to surface water only during mechanical integrity tests \$200

(b) Facilities which use evaporation/percolation ponds or holding ponds and land application as their primary means of disposal and are permitted to discharge to surface waters only after storm events or during control structure testing, as specified in the permit:

1. That do not include effluent limitations on internal waste streams established to protect surface water quality \$200

2. That include effluent limitations on internal waste streams established to protect surface water quality \$2400

(c) Facilities which are permitted to discharge to surface waters only for emergencies, as specified in the permit \$200

(d) The annual fees described in paragraphs (a) through (c) of this subsection shall be the only annual fee for such facilities, except as provided in subsections 62-4.052(10) and 62-4.052(11), F.A.C., and shall be due and payable regardless of whether a discharge actually occurs during the year.

(9) The annual fee for petroleum contaminated ground water clean up projects authorized to discharge to surface waters for more than 30 days under the generic permit for petroleum fuel contaminated ground water clean up is \$2,850 annually. There shall be no annual fee for projects authorized to discharge to surface water for less than 30 days or for discharges of uncontaminated produced ground water.

(10) The annual fee for Phase I municipal stormwater facilities, and Phase II facilities subject to an individual permit, as regulated under Chapter 62-624, F.A.C., shall be as follows:

(a) Fees for each Municipal Separate Storm Sewer System (MS4) permit shall cover the cost of surveillance and the regulatory program, including processing of annual reports, revisions, and permit applications and re-applications. Annual fees for MS4s shall be based on the total MS4 permit population. The total MS4 permit population is equal to the sum of the populations of each of the named co-permittees to a MS4 permit. Populations used for all MS4 fee determinations shall be the 2005 estimates as listed in the 2006 edition of the Florida Statistical Abstract, published by the Bureau of Economic and Business Research, University of Florida. Fees are calculated using the formulas established in paragraph 62-4.052(10)(d), F.A.C. Total permit populations and associated fees are indicated for each permit below:

Permit	Total Population	Fee
1. Bradenton	54,303	\$4,340
2. Broward	1,410,561	\$48,264
3. Escambia	303,623	\$20,591
4. Ft. Lauderdale	171,344	\$17,284
5. Hialeah	230,407	\$18,760
6. Hillsborough	783,007	\$32,575
7. Hollywood	143,025	\$16,576
8. Jacksonville	837,983	\$33,950
9. Jacksonville Beach	21,531	\$2,702
10. Lee	549,442	\$26,736
11. Leon	96,330	\$6,442
12. Manatee	247,471	\$19,187
13. Miami	386,882	\$22,672
14. Miami-Dade County	1,720,800	\$56,020

15. Orange	821,519	\$33,538
16. Orlando	217,567	\$18,439
17. Palm Beach County	1,262,520	\$44,563
18. Pasco	404,930	\$23,123
19. Pinellas	691,971	\$30,299
20. Polk	541,840	\$26,546
21. Reedy Creek District	82,300	\$5,740
22. St. Petersburg	253,902	\$19,348
23. Sarasota	367,867	\$22,197
24. Seminole	411,744	\$23,294
25. Tallahassee	174,781	\$17,370
26. Tampa	326,519	\$21,163
27. Temple Terrace	22,020	\$2,726

(b) Except as provided in paragraph 62-4.052(10)(c), F.A.C., permittees and co-permittees to each permit will be invoiced individually for their respective share of the annual fee. The individual fee shall be pro-rated based on the percentage of each co-permittee's population as compared to the total permit population listed above. Additional fees apply as follows:

1. Invoices under this subsection shall be a minimum of \$100 to cover processing costs.

2. For co-permittees that do not have associated populations, such as Florida Department of Transportation Districts and Drainage Districts, other than existing state water management districts, the fee shall be \$1,875.

(c) For convenience, co-permittees of any one permit may choose to receive only one invoice to cover the entire annual fee. In order to receive one invoice, co-permittees to any one permit shall:

1. Mutually agree to share the cost of the annual fee and be party to an executed interlocal agreement for cost sharing among all co-permittees.

2. Designate a specific co-permittee to act as representative for all co-permittees regarding the annual fee. The fee designee shall notify the Department in writing, not less than 120 days prior to the end of a calendar year, that only one invoice will be required for the annual fee for the forthcoming calendar year.

3. The above notification shall identify the co-permittee responsible for the fee transaction and shall specify the name and address of the contact person for invoicing. The identified co-permittee is responsible for paying the entire annual fee to the Department.

4. After the initial annual fee billing cycle, one invoice shall continue to be sent to the fee designee established by the above process until a change is requested in accordance with subparagraph 62-4.052(10)(c)5., F.A.C., below.

5. To effect a change regarding the fee designee, the Department must be notified in writing, not less than 120 days prior to the end of a calendar year, that the co-permittee responsible for the fee transaction has changed, or that fees should be invoiced individually in accordance with paragraph 62-4.052(10)(b), F.A.C. Notification of such changes shall be in accordance with the requirements of this subsection.

(d) Annual fees for Phase 1 MS4s and Phase 11 MS4s permitted individually and not under a generic permit, that have an initial permit issuance occurring after October 1, 2000, shall be based on the following formulas:

1. For MS4 permits with total populations less than 19,999: \$800 plus \$0.05 times the total permitted population.

2. For MS4 permits with total populations greater than 20,000 but less than 99,999: \$1,625 plus \$0.05 times the total permitted population.

3. For MS4 permits with total populations greater than 100,000: \$13,000 plus \$0.025 times the total permitted population.

(11) Stormwater discharge associated with industrial activity permitted under Chapter 62-620, F.A.C., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6), F.S., unless the activity is already subject to the fee provisions of paragraph 62-4.052(7)(b), F.A.C.

(12) There shall be no annual fee for use of the general permits in Chapter 62-660, F.A.C.

(13) In addition to any annual fees described in subsections (5) and (8) of this section, a municipality which has an approved pretreatment program shall pay an additional \$500 annually.



**62-4.053 Annual Operating License Fees for Public Water Systems.**

(1) Scope and Intent. As authorized in Section 403.087(6), F.S., this rule implements annual regulatory program and surveillance fees (operating license fees) for public drinking water systems. These fees effect the legislative intent that the Department's costs for administering the Florida Safe Drinking Water Act be borne by regulated parties. As such, the annual operating license fees are applicable only to public water systems subject to regulation under Chapters 62-550, 62-555 and 62-560, F.A.C.

(2) The license fees described in paragraphs (a) through (c) of this subsection shall be the annual operating license fees for such facilities.

(a) Annual operating license fees shall be based on the type of public water system, or the population served, or the sum of permitted capacities of the treatment provided under their unique PWS ID Number, as set forth in subsections (3) through (6) below.

(b) Annual operating license fees are applicable for the period from July 1 to June 30 of the following year.

(c) Annual operating license fees for drinking water systems are not refundable and shall be due and payable as follows:

1. The annual operating license fees set forth in this section shall be required for all public water systems for which the Department is granted administrative authority. The amount due shall be the applicable annual operating license fee described in subsections (3), (4), (5), or (6) of this section, and is due and payable no later than 45 days after receipt of an operating license fee invoice from the Department for public water systems that are subject to regulation under Section 403.861, F.S., on that date.

2. When a new public water system is issued a permit and is cleared for operation to be put in service under Chapter 62-555, F.A.C., pursuant to Section 403.861, F.S., the first annual operating license fee shall be due no later than 45 days after receipt of an operating license fee invoice from the Department. The amount due shall be the applicable annual operating license fee described in subsections (3), (4), (5), or (6) of this section. The operating license fee shall be due and payable pursuant to paragraph 62-4.053(2)(b), F.A.C., above.

3. Non-payment or late payment of an annual operating license fee shall be grounds for enforcement action pursuant to Sections 403.121, 403.141, and 403.161, F.S. Non-payment of an annual operating license fee shall be grounds for revocation or denial of an application for a drinking water construction permit.

4. When a public water system changes in a manner which places the facility in a different annual operating license fee category:

a. The operating license fee shall be changed as appropriate and be in effect for the next operating year (July 1-June 30),

b. The new operating license fee shall be due no later than 45 days after receipt of an operating license fee invoice from the Department following the change, and

c. No operating license fee is due for an inactive system.

(3) The annual operating license fees for community public water systems are based on the system's permitted design capacity, and are as follows:

Design Capacity	Fee
(a) 10 MGD and above	\$6,000
(b) 5 MGD up to 10 MGD	\$4,000
(c) 1 MGD up to 5 MGD	\$2,000
(d) .33 MGD up to 1 MGD	\$1,000
(e) .05 MGD up to 0.33 MGD	\$500
(f) Less than 0.05 MGD	\$100

(4) The annual operating license fee for consecutive community public water systems shall be based on their population served as reported by the system during their most recent Sanitary Survey as follows:

Population Served	Fee
(a) 25-500	\$50
(b) 501-3,300	\$100
(c) 3,301-10,000	\$500
(d) 10,001-50,000	\$1,000
(e) 50,001-100,000	\$2,000
(f) >100,000	\$4,000

(5) The annual operating license fee for non-transient, non-community public water systems shall be \$100.

- (6) The annual operating license fee for transient, non-community public water systems shall be \$50.
- (7) Public water systems will be invoiced individually for the annual operating license fee.
- (8) The annual operating license fee in this Section shall be adjusted for inflation using the methodology in paragraph 62-4.050(4)(z), F.A.C.

*Rulemaking Authority 403.061, 403.861(7), 403.861(8) FS. Law Implemented 403.087(6) FS. History—New 4-21-09.*

#### **62-4.055 Permit Processing.**

(1) Within thirty days after receipt of an application for a permit and the correct processing fee the Department shall review the application and shall request submittal of additional information the Department is authorized by law to request. The applicant shall have ninety days after the Department mails a timely request for additional information to submit that information to the Department. If an applicant requires more than ninety days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to ninety days. Additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

(2) If the applicant believes any Department request for additional information is not authorized by law or rule, the applicant may request a hearing pursuant to Section 120.57, F.S.

(3) Within 30 days after receipt of such additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.

(4) If the applicant believes the request of the Department for such additional information is not authorized by law or rule, the Department, at the applicant's request, shall begin to process the permit application. Such a request by the applicant shall be in writing and shall be clearly labelled as a request for the Department to process the application. The applicant's request shall state the reasons why the applicant believes the Department's request for additional information is not authorized by law or rule. The applicant shall clearly state that the applicant requests the Department to process the application without that information. The applicant's request shall be submitted to the Department office which made the request.

(5) Permits shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application, whichever occurs last.

(6) The procedures in this section do not apply to hazardous waste facility permitting under Rule Chapter 62-730, F.A.C., or to other permitting for which there are other specific procedures.

*Rulemaking Authority 120.54(5), 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.0876 FS. History—New 12-3-84, Amended 8-31-88, 7-11-93, Formerly 17-4.055, Amended 8-16-98.*

#### **62-4.060 Consultation.**

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.06, Amended 8-31-88, Formerly 17-4.060, Repealed 2-16-12.*

#### **62-4.070 Standards for Issuing or Denying Permits; Issuance; Denial.**

(1) A permit shall be issued to the applicant upon such conditions as the Department may direct, only if the applicant affirmatively provides the Department with reasonable assurance based on plans, test results, installation of pollution control equipment, or other information, that the construction, expansion, modification, operation, or activity of the installation will not discharge, emit, or cause pollution in contravention of Department standards or rules. However, for discharges of wastes to water, the Department may issue temporary operation permits under the criteria set forth in Section 403.088(3), F.S.

(2) If, after review of the application and all the information, the Department determines that the applicant has not provided reasonable assurance that the construction, modification, expansion, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs, the Department shall deny the permit.

(3) The Department may issue any permit with specific conditions necessary to provide reasonable assurance that Department rules can be met.

(4) No Department permits shall be issued for a term of more than five (5) years unless otherwise specified by statute, rule, or order of the Department. However, construction permits for air pollution sources may be issued for a period of time as necessary.

(5) The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met.

(6) The applicant shall be promptly notified if the Department intends to deny the application, and shall be informed of the reasons for the intended denial, and of the right to request an administrative hearing.

(7) The issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.

*Rulemaking Authority 403.021, 403.031, 403.061, 403.087, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History— New 5-17-72, Amended 7-8-82, 2-1-83, 12-3-84, Formerly 17-4.07, Amended 8-31-88, 3-28-91, Formerly 17-4.070.*

#### **62-4.080 Modification of Permit Conditions.**

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time.

For the purpose of this section, good cause shall include, but not be limited to, any of the following:

(a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.

(b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.

(c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.

(d) For discharges into State waters, a showing that new or changed classification of the water requires a modification of the discharge.

(e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

(2) A permittee may request a modification of a permit by applying to the Department.

(3) A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation. For all other permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that the extended permit will comply with the standards and conditions applicable to the original permit. A permit for which the permit application fee was prorated in accordance with paragraph 62-4.050(4)(l), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule.

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.08, Amended 8-31-88, 3-19-90, Formerly 17-4.080.*

#### **62-4.090 Renewals.**

Renewals. Prior to 135 days before the expiration of a hazardous waste operation permit, 180 days before the expiration of a hazardous waste closure permit, or sixty days before the expiration of any other Department operation permit except a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. Renewals of permits issued pursuant to Chapter 62-213, F.A.C., shall be processed in accordance with the chapter and not with this rule. A renewal application shall be timely and sufficient. If the application is submitted prior to the days specified above before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S.

*Rulemaking Authority 120.60, 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 120.60, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.09, Amended 8-31-88, 3-19-90, 7-11-93, Formerly 17-4.090, Amended 4-18-95, 3-16-08.*

#### **62-4.100 Suspension and Revocation.**

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.

(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

(3) A permit issued pursuant to this chapter shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:

(a) Submitted false or inaccurate information in his application or operational reports.

(b) Has violated law, Department orders, rules or permit conditions.

(c) Has failed to submit operational reports or other information required by Department rules.

(d) Has refused lawful inspection under Section 403.091, F.S.

(4) No revocation shall become effective except after notice is served by personal service, certified mail, or newspaper notice pursuant to Section 120.60(5), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

*Rulemaking Authority 120.60, 403.061(7) FS. Law Implemented 120.60, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—Formerly 17-4.07, FAC, New 3-4-70, Revised 5-17-72, Amended 8-7-73, Formerly 17-4.10, Amended 8-31-88, Formerly 17-4.100.*

#### **62-4.110 Financial Responsibility.**

*Rulemaking Authority 403.061(7) FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Amended 8-7-73, Formerly 17-4.11, Amended 8-31-88, Formerly 17-4.110, Repealed 2-16-12.*

#### **62-4.120 Transfer of Permits.**

(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.

(2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.

(3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be

served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to subsection (1). If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.

(4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.

(5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 3-4-70, Revised 5-17-72, Formerly 17-4.12, Amended 3-19-90, Formerly 17-4.120, Amended 4-16-01.*

#### **62-4.130 Plant Operation - Problems.**

If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 3-4-70, Revised 5-17-72, Formerly 17-4.13, Amended 8-31-88, Formerly 17-4.130.*

#### **62-4.150 Review.**

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.15, Amended 8-31-88, Formerly 17-4.150, Repealed 2-16-12.*

#### **62-4.160 Permit Conditions.**

All permits issued by the Department shall include the following general conditions:

(1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

(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 may constitute grounds for revocation and enforcement action by the Department.

(3) As provided in subsections 403.987(6) and 403.722(5), 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 any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.

(4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and 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.

(5) This permit does not relieve the permittee from liability 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, or from penalties therefore; 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.

(6) The permittee shall 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, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to

achieve compliance with the conditions of the permit and when required by Department rules.

(7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

(8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

(9) In accepting this permit, the permittee 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 where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

(10) The permittee 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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

(11) This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

(12) This permit or a copy thereof shall be kept at the work site of the permitted activity.

(13) This permit also constitutes:

- (a) Determination of Best Available Control Technology (BACT)
- (b) Determination of Prevention of Significant Deterioration (PSD)
- (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
- (d) Compliance with New Source Performance Standards

(14) The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

(b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The person responsible for performing the sampling or measurements;
3. The dates analyses were performed;
4. The person responsible for performing the analyses;
5. The analytical techniques or methods used;
6. The results of such analyses.

(15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

(16) In the case of an underground injection control permit, the following permit conditions also shall apply:

(a) All reports or information required by the Department shall be certified as being true, accurate and complete.

(b) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(c) Notification of any noncompliance which may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.

1. The verbal reports shall contain any monitoring or other information which indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

2. The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it has not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance, and all information required by paragraph 62-528.415(4)(b), F.A.C.

(d) The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the State.

(17) The following conditions also shall apply to a hazardous waste facility permit.

(a) The following reports shall be submitted to the Department:

1. Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.

2. Unmanifested waste report. The permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.

3. Biennial report. A biennial report covering facility activities during the previous calendar year shall be submitted by March 1 of each even numbered year pursuant to Chapter 62-730, F.A.C.

(b) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:

1. A description and cause of the noncompliance.

2. If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.

(d) All reports or information required by the department by a hazardous waste permittee shall be signed by a person authorized to sign a permit application.

*Rulemaking Authority 403.061, 403.087, 403.088 FS. Law Implemented 403.061, 403.087, 403.088 FS. History—New 8-31-88, Amended 10-4-89, 7-11-93, Formerly 17-4.160.*

#### **62-4.200 Scope of Part II.**

This Part sets forth additional requirements for certain Department permits, exemptions from permitting, requirements for mixing zones and zones of discharge, and related requirements. Except as otherwise provided in Chapter 62-330, F.A.C., or in the rules adopted by reference thereunder, this Part shall not apply to activities regulated under Part IV of Chapter 373, F.S. However, this Part shall continue to apply to those activities grandfathered under Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), (16) and 373.4145(6), F.S.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.4131, 373.4145, 373.418, 403.021, 403.031, 403.061, 403.088 FS. Law*

*Implemented 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.20, Amended 8-31-88, Formerly 17-4.200, Amended 7-4-95, 10-1-07, 10-1-13.*

#### **62-4.210 Construction Permits.**

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.21, Amended 8-31-88, Formerly 17-4.210, Repealed 2-16-12.*

#### **62-4.220 Operation Permit for New Sources.**

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—Formerly 17-4.05, New 3-4-70, Revised 5-17-72, Formerly 17-4.22, Amended 8-31-88, Formerly 17-4.220, Repealed 2-16-12.*

#### **62-4.240 Operation Permits for Water Pollution Sources.**

*Rulemaking Authority 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088, 403.101 FS. History—New 5-17-72, Formerly 17-4.23, Amended 8-31-88, 10-4-89, Formerly 17-4.240, Repealed 2-16-12.*

#### **62-4.241 Whole Effluent Toxicity Limits.**

(1) Facilities subject to whole effluent toxicity testing as identified in subsection 62-620.620(3), F.A.C., shall meet the following whole effluent toxicity limitations unless a mixing zone as specified in paragraphs 62-4.244(3)(a) through (d), F.A.C., or a variance has been approved by the Department.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 100% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 100% effluent.

(2) Facilities granted a chronic toxicity mixing zone in accordance with paragraph 62-4.244(3)(a), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 100% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than the effluent concentration allowed by the mixing zone.

(3) Facilities with high rate dilution permitted under paragraph 62-4.244(3)(b), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 30% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 10% effluent.

(4) Facilities permitted as open ocean discharges under paragraph 62-4.244(3)(c), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 30% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 10% effluent.

(5) Water Treatment facilities granted a mixing zone for demineralization concentrate in accordance with paragraph 62-4.244(3)(d), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For small water utility businesses, as defined in Section 403.0882(2)(b), F.S., the acute whole effluent toxicity LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 20% effluent. For demineralization concentrate discharges other than small water utility businesses, the LC50 shall not be less than the effluent concentration allowed by the mixing zone and shall not be less than 20% effluent; and



(b) For small water utility businesses, the chronic whole effluent toxicity IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 20% effluent. For demineralization concentrate discharges other than small water utility businesses, the IC25 shall not be less than the effluent concentration allowed by the mixing zone.

*Rulemaking Authority 403.061, 403.087, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.121, 403.131, 403.141, 403.161 FS. History—New 4-2-08.*

#### **62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.**

##### **(1) Antidegradation Permitting Requirements.**

(a) Permits shall be issued when consistent with the antidegradation policy set forth in Rule 62-302.300, F.A.C., and, if applicable, Rule 62-302.700, F.A.C.

(b) In determining whether a proposed discharge which results in water quality degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the department shall consider and balance the following factors:

1. Whether the proposed project is important to and is beneficial to the public health, safety, or welfare (taking into account the policies set forth in Rule 62-302.300, F.A.C., and, if applicable, Rule 62-302.700, F.A.C.); and

2. Whether the proposed discharge will adversely affect conservation of fish and wildlife, including endangered or threatened species, or their habitats; and

3. Whether the proposed discharge will adversely affect the fishing or water-based recreational values or marine productivity in the vicinity of the proposed discharge; and

4. Whether the proposed discharge is consistent with any applicable Surface Water Improvement and Management Plan that has been adopted by a Water Management District and approved by the Department.

(c) For domestic wastewater facilities, in addition to paragraph (b) above, in order for a proposed discharge to be necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the permit applicant must demonstrate that none of the following is economically and technologically reasonable:

1. Implementation of water conservation measures to reduce the flow of domestic wastewater. The engineering report shall include an assessment of the feasibility of implementation of water conservation programs within the area served by the collection system. This paragraph shall apply only to utilities, municipalities, or other entities that have responsibility for both wastewater and water supply;

2. Implementation of infiltration/inflow reduction measures for expansions of domestic wastewater facilities. The engineering report shall include an assessment of an infiltration/inflow reduction program within the area served by the collection system;

3. Reuse of reclaimed water; and

4. Use of other discharge locations, which would reduce adverse impacts on water quality.

(d) For industrial wastewater facilities proposing new or expanded surface water discharges, in addition to paragraph (b) above, in order for the new or expanded industrial wastewater discharge to be necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the permit applicant:

1. Must demonstrate that use of other discharge locations, land application, or recycling at offsite locations that would avoid the degradation of water quality is not economically and technologically reasonable; and

2. Shall submit a signed statement under penalty of law that a waste minimization and source reduction analysis was completed consistent with best management practices appropriate for the type of facility or discharge proposed, as identified in paragraph 62-620.100(3)(m), F.A.C., 40 CFR 122.44(k), and Guidance Manual for Developing Best Management Practices (BMP), U.S. Environmental Protection Agency, Office of Water, Washington, DC, EPA 833-B-93-004, October, 1993.

##### **(2) Standards Applying to Outstanding Florida Waters.**

(a) No Department permit or water quality certification shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:

a. Meets the applicable limitations of subsection 62-302.520(4), F.A.C., at the point of discharge; or

b. Has a mixing zone established pursuant to paragraph 62-302.520(6)(b), F.A.C., which assures the protection and propagation

of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational or ecological significance of such water; and

c. Meets the temperature limits of subsection 62-302.520(4), F.A.C., at the boundary of the mixing zone established pursuant to paragraph 62-302.520(6)(b), F.A.C.; or

2. The proposed activity of discharge is clearly in the public interest, and either

a. A Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. The Department may allow an extension of the thirty-day time limit on a construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize any degradation of water quality.

(b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters to allow for or enhance public use or to maintain facilities that existed prior to the effective date of the Outstanding Florida Water designation, or facilities permitted after adoption of the Outstanding Florida Water designation. However, such activities or discharges will only be permitted if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (2)(a)2. of this section; or

2. For dredging beach-quality sand from inlets and related channels, or restoration/nourishment of beaches and the use of offshore borrow areas, the applicant demonstrates that:

a. Turbidity has been minimized for both magnitude and duration to the maximum extent practicable;

b. Turbidity at the edge of the approved mixing zone does not exceed natural background levels by more than the range in natural background turbidity levels measured throughout a normal tidal cycle for the applicable sand dredging or beach restoration/nourishment site; and in no case shall it exceed 29 NTUs above natural background; and

c. Turbidity levels, both inside and outside of the mixing zone, are not expected to have an adverse impact on marine resources, recreational value or public safety; or

3. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and there is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.

(c) For the purpose of this section the term "existing ambient water quality" shall mean (based on the best scientific information available) the better water quality of either (1) that which could reasonably be expected to have existed for the baseline year of an Outstanding Florida Water designation or (2) that which existed during the year prior to the date of a permit application. It shall include daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which Department permits were issued or applications for such permits were filed and complete on the effective date of designation.

(d) Subsection 62-4.242(2), F.A.C., shall not apply to any dredge or fill activity or any discharge to an Outstanding Florida Water permitted by the Department on, or for which a complete permit application was filed on, the effective date of an Outstanding Florida Water designation; nor shall it apply to any renewal of a Department permit where there is no modification in the dredge or fill activity or discharge which would necessitate a permit review.

(e) Any activity that is exempted from permit programs administered by the Department is not subject to the requirements of Rule 62-4.242, F.A.C.

(f) For the Apalachicola River north of Gulf County, this section shall not apply in the federally-authorized nine-foot navigation project, as follows:

1. Maintenance dredging and disposal and snag removal by the Army Corps of Engineers as presently performed pursuant to existing permits and its continuation under renewals thereof; or

2. Class A and B emergencies as defined in subsection 62-312.150(5), F.A.C.; or

3. Exemptions to permitting specified in Section 403.813, F.S., and Department rules; or

4. Any other permissible project of the Army Corps of Engineers deemed necessary by the Department pursuant to the considerations referenced in paragraph 62-302.100(10)(c), F.A.C.

(3) Standards Applying to Outstanding National Resource Waters:

(a) All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:

1. Discharges or activities that are exempted by statute from Department permitting or regulation;
2. Those discharges or activities described in sub-subparagraphs 62-4.242(2)(a)1.b., 62-4.242(2)(a)1.c., 62-4.242(2)(a)2.b., and 62-4.242(2)(b)2., F.A.C.

(b) Discharges or activities that would have the result of clearly enhancing the water quality of Outstanding National Resource Waters are not prohibited.

(c) In addition, the following restrictions apply on Outstanding National Resource Waters. Each is listed below, followed by a reference to DEP rules or Florida Statutes:

1. Water quality reclassification to a class with less stringent criteria is not allowed (Rule 62-302.400, F.A.C.).
2. New or expanded mixing zones cannot be issued other than those for thermal discharges as allowed in subparagraph 62-4.242(1)(a)1., F.A.C.
3. Temporary Operation Permits cannot be renewed (Rule 62-4.250, F.A.C.).
4. General Permits cannot be used.
5. Exemptions from water quality criteria cannot be issued (Rule 62-4.243; subsections 62-6.020(5), (6), and (7); 62-25.030(3); and Rule 62-528.300, F.A.C.).
6. Variances shall not be issued (Sections 403.201 and 403.938, F.S.).
7. Any special restrictions for water quality protection in Outstanding Florida Waters, whether in Department rules or Florida Statutes, also apply in Outstanding National Resource Waters.

(d) This subsection shall not apply to any existing activity permitted, exempted, or for which a completed application for permit was filed, on or before the effective date of the Outstanding National Resource Water designation; nor shall it apply to any renewal of a Department permit where there is no modification of the activity which would necessitate a permit review.

(e) Paragraph 62-4.242(3)(d), F.A.C., shall not apply to any activity which contributes to the degradation of water quality in an Outstanding National Resource Water beyond those levels established for the baseline year.

(4) Equitable Abatement.

(a) It shall be Department policy to further protect and enhance the quality of those surface waters whose quality has been artificially lowered below the quality necessary to support their designated uses. For such waters, no new activity or discharge shall be issued a Department license to construct unless the applicant affirmatively demonstrates that:

1. Water quality standards once achieved would not be violated as a result of the proposed activity or discharge;
2. The proposed activity or discharge is necessary or desirable under federal standards; and
3. The proposed activity or discharge is clearly in the public interest.

(b) To allocate equitably the relative levels of responsibility for abatement among persons directly discharging significant amounts of pollutants into waters which fail to meet one or more of the water quality criteria applicable to those waters, it is necessary to determine the amounts of those pollutants contributed by each of those persons and to consider all factors relevant to the equitable allocation of that responsibility. The following provisions of this section prescribe the means by which the Department, upon the petition of a license applicant, will equitably allocate among such persons the relative levels of abatement responsibility of each for abatement of those pollutants and by which it will establish for each of those persons, if necessary, an abatement program and schedule to accomplish any abatement determined necessary under the provisions of this section.

(c)1. For a surface water body, or portion thereof, which is determined by the Department to fail to meet one or more of the water quality criteria applicable to that water body, an applicant for a license to construct or operate a stationary installation to discharge wastes which contributes, or will contribute, to that failure may petition the Department in writing for an equitable allocation of the relative levels of responsibility for abatement among the stationary installations which discharge significant amounts of one or more of the pollutants which contribute to the failure of those waters to meet the water quality criterion (a) specified in the petition.

2. The applicant shall identify in the petition the location of each of the existing stationary installations which it wishes the Department to consider and the legal name and mailing address of the owners of each of those stationary installations.

3. The county government within which each stationary installation identified under subparagraphs 1. and 2. of this paragraph is located shall be given notice of the proceeding, as shall the municipality, if the stationary installation is located within a municipality.

4. The Department may identify any other owners of existing stationary installations which it deems necessary to allocate equitably the relative levels of responsibility for abatement of pollutants which contribute to the failure of those waters to meet any criterion specified in the petition.

5. Those owners identified by the petitioner and the Department shall be joined as parties in the licensing proceeding. Nothing shall preclude any party from requiring the joinder, as a party to the proceeding, of the owner of any other existing stationary installation upon written motion and an affirmative demonstration that such stationary installation is discharging significant amounts of one or more pollutants which contribute to the failure of the subject water body to meet any criterion specified in the petition. A motion for joinder shall be filed within 20 days of receipt by the movant of notice that it has been joined in the proceeding.

(d) License applications filed by the petitioner, or any other party, for waste discharges which are identified pursuant to paragraph (2)(c) above in the equitable allocation process under this section shall be deemed incomplete or the subject of a dispute of material fact for purposes of Chapter 120, F.S. However, if an application for renewal of an existing license has been timely filed with the Department, the existing license shall remain in full force and effect until such time as a new or modified license has been issued pursuant to paragraph (2)(k).

(e) Prior to determining the most equitable allocation of responsibility for abatement under paragraph (f), the Department shall determine the percentage and quantification of the total contribution and the contribution by each of the stationary installations identified under paragraph (c) of the pollutants identified under paragraph (c) which contributes to the failure of the subject waters to meet the water quality criterion specified in the petition. Provided, however, that the Department, upon petition by an affected party pursuant to Rule 62-3.031, F.A.C., may establish more appropriate less stringent criteria upon which to base quantification calculations. For the purpose of performing quantification calculations, the Department shall assume waste discharges entering the water body from an adjacent state as a separate point source of pollution.

(f) The following factors shall be considered by the Department in determining the most equitable allocation among the parties identified pursuant to paragraph (c) of the relative levels of responsibility of each for abatement of the pollutants with which the petition is concerned:

1. The percentage and quantification of the abatement achieved by abatement techniques previously undertaken, if any, by each of those stationary installations and the costs previously incurred, if any, with respect to each, along with any economic or production benefits gained from said abatement techniques.

2. The identification and estimated cost of alternative abatement techniques available for each stationary installation. Identified techniques shall include:

a. Those techniques which would abate the level of pollutants to the degree required by the quantities of contributed pollutants determined under paragraph (e), or the maximum degree possible, if the degree required is not presently attainable.

b. Those techniques which would abate additional quantities of pollutants beyond the quantities determined under paragraph (e) and the approximate percentage of additional abatement which could be provided.

3. The economic and production impacts of additional abatement on each party, if any.

4. Other environmental impacts of available abatement techniques.

(g) In determining the percentages and quantities under paragraph (e), the Department shall use the best scientific and technical information, methods, and data in the possession of the Department.

(h) Each party to the licensing proceeding shall provide the Department, and each other party except as provided by Section 403.111, F.S., with any information which is requested by the Department and necessary for the determination under paragraphs (e) and (f). With regard to the determination under sub-subparagraph (f)2.ii., however, parties shall only be required to provide that information within their possession at the time of the Department's request. The Department shall make available to a party any information in its possession, and shall provide reasonable assistance to any party in identifying that information which would assist the party in complying with the Department's request.

(i) Each party shall undertake a program approved by the Department to abate the quantity of contributed pollutants for which it is determined responsible under paragraph (e). Such abatement program shall include but not be limited to, a quantified effluent limitation, best management practices or specific techniques for abatement, and a schedule for commencement and completion of the required abatement. In establishing an abatement schedule, the Department shall consider the previous abatement efforts and their costs, the reasonable remaining usable life of the discharge facility, and any commitments for phasing out the discharge from the facility.

(j) An abatement program required under paragraph (i) may include the agreement of one owner to undertake additional

abatement on behalf of another owner. When such an agreement has been executed fully and filed in writing with the Department within a reasonable period of time set by the Department, the agreement shall be recognized in the licenses of the signatory parties to the extent that it satisfies the levels of abatement, determined for those parties under paragraph (e).

(k) Each party shall be issued an appropriate license or modified license, which shall include any abatement program required of the party and approved under paragraph (i), as well as any other conditions authorized by Chapter 403, F.S.

*Rulemaking Authority 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS. History—New 3-1-79, Amended 5-14-81, 9-30-82, 3-31-83, 4-9-84, 11-29-84, 12-11-84, 5-8-85, 7-22-85, 8-31-88, 9-13-89, 10-4-89, Formerly 17-4.242, Amended 1-23-95, 5-15-02, 8-1-13.*

#### **62-4.243 Exemptions from Water Quality Criteria.**

(1) Exemptions for Artificial Water Bodies Classified for Agricultural Water Supplies.

(a) The Secretary shall upon the petition of an affected person or permit applicant, and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order for the duration of the permit specifically exempting a source of pollution from the Class IV water quality criteria contained in Rule 62-3.131, F.A.C., for wholly artificial bodies of water upon affirmative demonstration by the Petitioner of the following:

1. Granting the exemption is in the public interest; and
2. The public has limited access to the waters under consideration; and
3. The waters are not used for recreation; and
4. Compliance with presently specified criteria is unnecessary for the protection of potable water supplies and animals, plants, or aquatic life using the waters; and
5. Granting the exemption will not interfere with existing uses or the designated use of the waters or contiguous waters; and
6. The economic, environmental and social costs of compliance with the existing criteria outweigh the social, environmental, economic and social benefits of compliance; and additionally,
7. The presently specified water quality criteria cannot be met with currently available technology; or
8. The costs of compliance with the presently specified criteria involved are so high that they must be spread over a considerable period of time; or
9. Some other type of hardship will occur.

(b) The Petitioner shall affirmatively demonstrate those criteria which the petitioner believes more appropriately apply to the waters for which the exemption is sought.

(c) The Secretary shall specify, by Order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

(d) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(2) Exemptions for Water Bodies Classified for Navigation, Utility and Industrial Use.

(a) The Secretary shall, upon the petition of an affected person or permit applicant, and after public notice in the Florida Administrative Register and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order for the duration of the permit specifically exempting sources of pollution from the Class V water quality criteria contained in Rule 62-3.141, F.A.C., upon affirmative demonstration by the petitioner of the following:

1. Granting the exemption is in the public interest; and
2. Compliance with presently specified criteria is unnecessary for the protection of potable water supplies and animals, plants, or aquatic life utilizing the waters; and
3. Granting the exemption will not interfere with existing uses or the designated use of the waters, or of contiguous waters; and
4. The economic, environmental and social costs of compliance with the existing criteria outweigh the social, environmental and economic benefits of compliance; and additionally,
5. The present specific water quality criteria cannot be met with currently available technology; or
6. The costs of compliance with the presently specified criteria involved are so high that they must be spread over a considerable period of time; or

7. Some other type of hardship will occur.

(b) The Petitioner shall affirmatively demonstrate those criteria which the Petitioner believes more appropriately apply to the waters for which the exemption is sought.

(c) The Secretary shall specify, by Order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

(d) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

*Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.101, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708 FS. History—New 3-1-79, Amended 1-1-83, 2-1-83, 8-31-88, Formerly 17-4.243.*

#### **62-4.244 Mixing Zones: Surface Waters.**

(1) Zones of mixing for non-thermal components of discharges.

(a) The Department may allow the water quality adjacent to a point of discharge to be degraded to the extent that only the minimum conditions described in subsection 62-302.500(1), F.A.C., apply within a limited, defined region known as the mixing zone. Under the circumstances defined elsewhere in this section, a mixing zone may be allowed to provide an opportunity for mixing and thus to reduce the costs of treatment. However, no mixing zone or combination of mixing zones shall be allowed to significantly impair any of the designated uses of the receiving body of water.

(b) A zone of mixing shall be determined based on the following:

1. The condition of the receiving body of water including present and future flow conditions and present and future sources of pollutants.

2. The nature, volume and frequency of the proposed discharge including any possible synergistic effects with other pollutants or substances which may be present in the receiving body of water.

3. The cumulative effect of the proposed mixing zone and other mixing zones in the vicinity.

(c) Except for the thermal components of discharges and nitrogen and phosphorus acting as nutrients, mixing zones which do not adhere to all of provisions paragraphs (1)(d) through (j) shall be presumed to constitute a significant impairment of the designated uses of surface waters of Classes I, II and III. An applicant for a mixing zone may obtain an exemption from these limitations as follows:

1. The applicant shall provide public notice, which shall be prepared or approved by the Department, in a newspaper of general circulation in the area in which the mixing zone is proposed. The notice shall identify the specific exemption it is seeking and notice the time, date and place of a public meeting at which, if the meeting is requested, the Department will consider comments to the requested exemption. The notice shall allow a person to request such a public meeting by contacting the Department within 14 days of the publication of the notice. If there is no such request, a public meeting is not required.

2. The applicant shall arrange for a public meeting which will be held if requested at which the Department will consider public comments on the exemption that is being sought. The Department shall also provide for public notice of the meeting in the Florida Administrative Register.

3. The applicant shall affirmatively demonstrate to the Department that the mixing zone exemption will not produce a significant adverse effect on the established community of organisms in the receiving body of water or otherwise significantly impair any of the designated uses of the receiving body of water.

4. The applicant shall affirmatively demonstrate to the Department that the requirements of paragraph (5)(c) of this section will be met.

(d) A mixing zone shall not include an existing drinking water supply intake or any other existing water supply intake if the constituents of such mixing zone would significantly impair the purposes for which the supply is used.

(e) A mixing zone shall not include a nursery area of indigenous aquatic life or any area approved by the Department of Environmental Protection for shellfish harvesting.

(f) In canals, rivers, streams, and other similar water bodies, the maximum length of a mixing zone shall be no more than 800 meters. In no case shall a mixing zone be larger than is necessary for the discharge to completely mix with the receiving water to meet water quality standards, and in no case shall a mixing zone significantly impair the designated use of the water body other than within the boundaries of the mixing zone.

(g) In lakes, estuaries, bays, lagoons, bayous, sounds, and coastal waters, the area of mixing zone shall be 125,600 square

meters unless a lesser area is necessary to prevent significant impairment of a designated use. In no case shall a mixing zone be larger than is necessary to meet water quality standards.

(h) In open ocean waters, the area of a mixing zone shall be 502,655 square meters unless a lesser area is necessary to prevent significant impairment of a designated use. In no case shall a mixing zone be larger than is necessary to meet water quality standards.

(i) The mixing zones in a given water body shall not cumulatively exceed the limits described below:

1. In rivers, canals, and streams, and tributaries thereto and other similar water bodies: 10% of the total length;
2. In lakes, estuaries, bays, lagoons, bayous and sounds: 10% of the total area.

(j) Within mixing zones in Class I, Class II, and Class III waters, the turbidity shall not average greater than 41 Nephelometric Turbidity Units above natural background.

(k) Mixing zones in Class IV and V waters are subject only to the provisions of paragraph (d) above and of Rule 62-302.500, F.A.C., and shall not significantly impair the designated uses of the receiving body of water.

(2) There shall be no mixing zone for any component of any discharge unless a Department permit containing a description of its boundaries has been issued for that component of the discharge.

(3)(a) Waters within mixing zones shall not be degraded below the minimum standards prescribed for all waters at all times in Rule 62-302.500, F.A.C. In determining compliance with the provisions of subsection 62-302.500(1), F.A.C., the average concentration of wastes in the mixing zone shall be measured or computed using generally accepted scientific techniques; provided that, the maximum concentration of wastes in the mixing zone shall not exceed the amount lethal to 50% of the test organisms in 96 hours (96 hr. LC<sub>50</sub>) for a species significant to the indigenous aquatic community, except as provided in paragraph (b), (c) or (d) below. The dissolved oxygen value within any mixing zone shall not be less than 1.5 milligrams per liter at any time or place, except for an open ocean discharge, which must be above 1.5 milligrams per liter within 20 feet of the outfall structure.

(b) Except for open ocean discharges described in paragraph (c) and ionic imbalanced demineralization concentrate discharges, described in paragraph (d) below, the maximum concentration of wastes in the mixing zone may exceed the 96 hr. LC<sub>50</sub> only when all of the following conditions are satisfied.

1. Dilution ratio of the effluent exceeds 100:1 under critical conditions. That is, flow in the receiving waters exceeds 100 units for every unit of effluent flow under critical conditions. Critical conditions are defined as those under which least dilution of the effluent is expected, e.g., maximum effluent flow and minimum receiving stream flow.

2. High rate diffusers or other similar means are used to induce rapid initial mixing of the effluent with the receiving waters such that exposure of organisms to lethal concentrations is minimized.

3. Toxicity must be less than acute [as defined in subsection 62-3.021(1), F.A.C.] no more than a distance of 50 times the discharge length scale in any spatial direction. The discharge length scale is defined as the square root of the cross-sectional area of any discharge outlet. In the case of a multiport diffuser, this requirement must be met for each port, using the appropriate discharge length scale for that port. This restriction will ensure a dilution factor of at least 10 within this distance under all possible circumstances, including situations of severe bottom interaction, surface interaction, or lateral merging.

4. The effluent when diluted to 30% of full strength, shall not cause more than 50% mortality in 96 hours (96 hr. LC<sub>50</sub>) in a species significant to the indigenous aquatic community.

5. If the following pollutants are present in the effluent, their concentrations (in the effluent) shall not exceed the values listed:

Acrylonitrile 65 ug/l

Aldrin 7.5 ng/l

Dieldrin 7.5 ng/l

Benzene 4 mg/l

Benzidine 53 ng/l

Beryllium 6.4 ug/l

Cadmium 100 ug/l

Carbon Tetrachloride 694 ug/l

Chlordane 48 ng/l

Chlorinated ethanes:

1,2-dichloroethane 24.3 mg/l

1,1,2-trichloroethane 4.2 mg/l

1,1,2,2-tetrachloroethane 1 mg/l  
Hexachloroethane 874 ug/l  
Chloroalkyl Ethers:  
    bis(chloromethyl) ether 184 ng/l  
    bis(2-chloroethyl) ether 136 ug/l  
Chloroform 1.57 mg/l  
Chromium (hexavalent) 0.5 mg/l  
DDT 2.4 ug/l  
Dichlorobenzidine 2 ug/l  
1,1-Dichloroethylene 185 ug/l  
Dinitrotoluene 11 ug/l  
Diphenylhydrazine 56 ug/l  
Ethylbenzene 33 mg/l  
Fluoranthene 540 ug/l  
Halomethanes 1.6 mg/l  
Heptachlor 29 ng/l  
Hexachlorobenzene 74 ng/l  
Hexachlorocyclohexane  
     $\alpha$ Hexachlorocyclohexane 310 ng/l  
     $\beta$ Hexachlorocyclohexane 547 ng/l  
     $\gamma$ Hexachlorocyclohexane 625 ng/l  
Lead 0.5 mg/l  
Mercury 1.5 ug/l  
Nickel 1 mg/l  
Nitrosamines 124 ug/l  
Polynuclear aromatic hydrocarbons 3 ug/l  
Polychlorinated biphenyls (PCBs) 8 ng/l  
Selenium 100 ug/l  
Tetrachloroethylene 885 ug/l  
Thallium 480 ug/l  
Toxaphene 73 ng/l  
Trichloroethylene 8 mg/l  
Vinyl Chloride 52 mg/l

(c) For open ocean discharges:

1. The effluent, when diluted to 30% full strength with water having a salinity representative of the average receiving-water's salinity, shall not cause more than 50% mortality in 96 hours (96 hr. LC<sub>50</sub>) in a species significant to the indigenous aquatic community.

2. Rapid dilution shall be ensured by the use of multiport diffusers, or a single port outfall designed (by a professional engineer registered in Florida) to achieve a minimum of 20:1 dilution of the effluent prior to reaching the surface. This dilution shall be determined using the appropriate plume model described in the EPA document, "Initial Mixing Characteristics of Municipal Ocean Discharges: Volume 1. Procedures and Applications," using the "Single plume, stagnant ambient" procedures or current speeds as established by field measurements. Miami-Dade Central District, Miami-Dade North District, City of Hollywood, and Broward County may use 12.3 cm/sec as a default value for ambient current speed at the present location of their respective outfalls. Alternatively, dilution studies for facilities not using the "Single plume, stagnant ambient" procedures or the 12.3 cm/sec default ambient current speed (as appropriate) shall be conducted in accordance with a site-specific Department approved Plan of Study. The Plan of Study shall be approved upon a demonstration by the applicant that the plan will produce data to characterize the daily, seasonal, and annual fluctuations in current speed and direction. The discharge shall otherwise comply with federal law.

3. For open ocean dischargers that comply with the requirements of subparagraphs 62-4.244(3)(c)1. and 2., F.A.C., compliance with applicable water quality criteria specified in Rule 62-302.530, F.A.C. (criteria), must be achieved by the point the discharge



attains 20:1 dilution rather than at the point of discharge. Mixing zones shall not be necessary for any parameter that requires 20:1 dilution or less to attain criteria. However, effluent limitations will be set by permit, and dilutions will be granted up to 20:1 in these limitations, for parameters that exceed criteria at the end-of-pipe.

a. The demonstration of required dilution shall be determined by the ratio of the worst case effluent concentration (WCEC) minus the worst case background concentration to the criterion minus the worst case background concentration, i.e.:

$$\frac{\text{(Worst case effluent concentration - Worst case background concentration)}}{\text{(Criterion - Worst case background concentration)}}$$

(Criterion - Worst case background concentration)

b. The WCEC for parameters that exceed criteria in the effluent shall be the 95th percentile effluent concentration (of DMR or other data collected in accordance with the sampling requirements of the permit measured for the most recent 3-year monitoring period, at the time of permit renewal) for each such parameter and not based on the maximum amount of dilution available. The WCEC used to demonstrate the required dilution for a parameter shall also be used as a facility performance check for each such parameter. Any exceedance of the WCEC shall provide sufficient cause for the Department to re-evaluate the applicability of this section and revise the permit. Additionally, any measured value(s) of sufficient concentration to require greater than 20:1 dilution to attain criteria shall be considered as a violation of the permit.

4. Subparagraph 62-4.244(3)(c)3., F.A.C., does not apply to bacterial criteria or silver in marine waters.

(d) Discharges of demineralization concentrate, as defined in Section 403.0882(2)(a), F.S., for which ionic imbalance is demonstrated, may exceed the 96 hr. LC<sub>50</sub> in a mixing zone no greater than the area defined in sub-subparagraphs 62-4.244(3)(d)1.b. and 2.a., F.A.C. Ionic imbalance is defined as the failure of whole effluent toxicity tests caused predominantly by the presence of major ionic constituents naturally occurring in the source water (limited to calcium, potassium, sodium, magnesium, chloride, bromide, and other constituents designated by the Department). Ionic imbalance is shown using the protocols contained in "Technical Guidance Document for Conducting the Florida Department of Environmental Protection's Protocols for Determining Major-Seawater-Ion Imbalance Toxicity (MSIIT) in Membrane-Technology Water-Treatment Concentrate" (FDEP, Bureau of Laboratories, May 4, 2004), which is adopted and incorporated by reference herein. Mixing zones for toxicity caused by ionic imbalance, as described in this paragraph, are allowed under the following conditions:

1. For all demineralization concentrate discharges defined in Section 403.0882(2)(a), F.S., except for small water utility businesses defined in Section 403.0882(2)(b), F.S.:

a. The effluent, when diluted to 20% full strength with laboratory pure water having a salinity representative of the receiving water's salinity, shall not cause more than 50% mortality in 96 hours (96 hr. LC<sub>50</sub>) in a species significant to the indigenous aquatic community; and

b. Under all ambient receiving water flow conditions, the effluent, mixed with receiving waters, must meet water quality standards within a distance not in excess of two times the natural water depth at the point of discharge. The natural water depth is defined as either the depth at Mean Lower Low Water (MLLW) Level in tidally affected waters or the depth at the seven-day, ten-year low flow (7Q10) conditions for non-tidal rivers, streams, canals, or ship channels. In no case shall the depth be artificially changed from its existing depth for the purpose of extending the area for complying with water quality standards and the acute toxicity requirements of paragraph 62-4.244(3)(d), F.A.C.

2. For small water utility businesses, as defined in Section 403.0882(2)(b), F.S.:

a. The discharge must achieve a minimum of 4-to-1 dilution within a distance not in excess of two times the natural water depth, as described in subparagraph 62-4.244(3)(d)1.b., F.A.C., at the point of discharge; and

b. The effluent, when diluted to 20% full strength with laboratory pure water having a salinity representative of the receiving water's salinity, shall not cause more than 50% mortality in 96 hours (96 hr. LC<sub>50</sub>) in a species significant to the indigenous aquatic community.

(4) Except for the minimum conditions of waters as specified in Rule 62-302.500, F.A.C., and the provisions of Rule 62-4.244, F.A.C., no other water quality criteria apply within a mixing zone.

(5) Mixing zones for dredge and fill permits shall not be subject to the provisions in paragraphs (1)(c) through (j), subsection (2), (3), or (4) of this section, provided that applicable water quality standards are met at the boundary and outside the mixing zone.

(a) The dimensions of dredge and fill mixing zones shall be proposed by the applicant and approved, modified or denied by the Department.

(b) Criteria for departmental evaluation of a proposed mixing zone shall include site-specific biological and hydrographic or

hydrological considerations.

(c) In no case shall the boundary of a Joint Coastal Permit mixing zone be more than 1000 meters from the point of discharge into the waterbody or the boundary of a dredge and fill mixing zone be more than 150 meters downstream in flowing streams or 150 meters in radius in other bodies of water, where these distances are measured from the cutterhead, return flow, discharge, or other points of generation of turbidity or other pollutants.

(d) When determining the appropriate size of a turbidity mixing zone for a Joint Coastal Permit, the Department shall also use the following criteria:

1. Measures will be implemented to minimize the magnitude and duration of turbidity to the maximum extent practicable;
2. Mixing zones shall be kept to the minimum size necessary to meet the turbidity standard; and
3. Mixing zones shall not encompass hardbottom communities, coral resources, or submerged aquatic vegetation beds outside of the authorized impact sites unless those areas are also evaluated as impact sites.

(6) Where a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam electric generating plant discharge of pollutants that existed or was licensed on July 1, 1984, may be granted a mixing zone, provided that:

- (a) The standard would not be met in the water body in the absence of the discharge; and
- (b) The discharge is in compliance with all applicable technology-based effluent limitations; and
- (c) The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and

(d) The discharge otherwise complies with the mixing zone provisions specified in this section.

(7) Additional relief from mixing zone restrictions necessary to prevent significant impairment of a designated use is through:

- (a) Reclassification of the water body pursuant to Rule 62-302.400, F.A.C.;
- (b) Variance granted pursuant to Section 403.201, F.S., and Rule 62-103.100, F.A.C.
- (c) Modification of the requirements of this section for specific criteria by the Secretary upon compliance with the notice and hearing requirements for mixing zones set forth in paragraph (1)(c) above and upon affirmative demonstration by an applicant that the applicant's discharge from a source existing on the effective date of this rule complies with best technology economically achievable, best management practices, or other requirements set forth in Chapter 62-6, F.A.C., and the economic, environmental and social costs of compliance with the existing criteria outweigh the social, environmental, and economic benefits of compliance with more stringent discharge limitations necessary to comply with mixing zone requirements of subsection 62-4.244(1), F.A.C., and the provisions relating to dissolved oxygen in Rule 62-4.244, F.A.C.

1. No discharger may be issued more than one permit or permit modification or renewal which allows a modification pursuant to this subsection unless the applicant affirmatively demonstrates that it has undertaken a continuing program, approved by the Department, designed to consider water quality conditions and review or develop any reasonable means of achieving compliance with the water quality criteria from which relief has been granted pursuant to this subsection.

2. With respect to paragraphs 62-4.244(1)(c) and 62-4.244(7)(c), F.A.C., the applicant must affirmatively demonstrate the minimum area of the water body necessary to achieve compliance with either subsection. Within a minimum area determined by the Secretary to be necessary to achieve compliance, the discharger shall be exempt from the criterion for which a demonstration has been made.

(d) Whenever site specific alternative criteria are established pursuant to Rule 62-302.800 or paragraph 62-302.510(2)(g), F.A.C., a mixing zone may be issued for dissolved oxygen if all provisions of Rule 62-4.244, F.A.C., are met with the exception of subparagraph 62-4.244(1)(j)1., F.A.C.

*Rulemaking Authority 403.051, 403.061, 403.062, 403.087, 403.0882, 403.804, 403.805 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0882, 403.101, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708 FS. History—Formerly part of 17-3.05, Revised and Renumbered 3-1-79, Amended 10-2-80, 1-1-83, 2-1-83, 2-19-84, 4-26-87, 8-31-88, 10-17-90, Formerly 17-4.244, Amended 3-26-00, 12-13-05, 8-1-13.*

#### **62-4.246 Sampling, Testing Methods, and Method Detection Limits for Water Pollution Sources.**

(1) The Department shall require monitoring and sampling for pollutants reasonably expected to be contained in the discharge and to violate the water quality criteria in Chapter 62-302, F.A.C.

(2) Field testing, sample collection and preservation, laboratory testing, including quality control procedures, and all record

keeping shall comply with Chapter 62-160, F.A.C.

(3) Subsections (4)-(11) of this rule apply only to permit applications, permits, monitoring reports, and other sources of data relating to discharges to surface waters.

(4) Using generally accepted scientific procedures, the Department shall establish and publish a method detection limit (MDL) and practical quantification limit (PQL) for each approved analytical method for a parameter (including any pollutant). On request, the Department shall make available a list of all current established MDLs and PQLs. The permittee may request and the Department shall consider approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 (New Methods, Validation Requirements) and 62-160.530 (Approval of Alternate Test Procedures), F.A.C. Permit applications, permits, and monitoring reports shall specify the applicable MDL and PQL established by the Department for each pertinent parameter.

(5) When establishing effluent limits in accordance with Rule 62-650, F.A.C., for pollutants for which MDLs are higher than the established water quality criteria, the Department shall base the limits on concentrations in the receiving waters computed in accordance with generally accepted scientific procedures and with subsections (8), (10) and (11) of this section. Permit applications and monitoring reports shall identify results below the MDL. Except as specified in subsections (8) and (10) below, such results shall demonstrate compliance for that pollutant.

(6) All results submitted to the Department for permit applications and monitoring shall be reported as follows.

(a) The approved analytical method and corresponding Department-established MDL and PQL levels shall be reported for each pollutant. The MDLs and PQLs incorporated in the permit shall constitute the minimum reporting levels for each parameter for the life of the permit. The Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those incorporated in the permit. All results with laboratory MDLs and PQLs lower than those established in the permit shall be reported to the Department. Unless otherwise specified, all subsequent references to MDL and PQL pertain to the MDLs and PQLs incorporated in the permit.

(b) Results greater than or equal to the PQL shall be reported as the measured quantity.

(c) Results less than the PQL and greater than or equal to the MDL shall be reported as less than the PQL and deemed to be equal to the MDL.

(d) Results less than the MDL shall be reported as less than the MDL.

(e) The following table is intended as a guide in the use of paragraphs (6)(b)-(d) for determining compliance with permit limits.

Common abbreviations used in this table are as follows:

PQL means practical quantification limit

MDL means method detection limit

> means greater than

means less than

= means equal to.

**Table 1 COMPLIANCE DETERMINATION**

PERMIT LIMIT	DATA	COMPLIANCE	NONCOMPLIANCE
(6)(b) Greater than or Equal to PQL	> Permit Limit		*
	or = Permit Limit	*	
(6)(c) Less Than PQL But Greater Than or Equal to MDL	> or = PQL	*	
	PQL	*	
(6)(d) Less Than MDL	> or = MDL		*

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(7) When all the results or projected concentrations for the effluent and the receiving water are below the MDL for a particular parameter, the Department shall deem the permittee to be in compliance with the applicable criterion or permit limit, subject to the provisions of subsections (8) and (10) below, when applicable.

(8) The presence of toxicity (as established through biomonitoring), data from analysis of plant or animal tissue, contamination of sediment in the vicinity of the installation, intermittent violations of effluent limits or water quality standards, or other similar kinds of evidence reasonably related to the installation may indicate that a pollutant in the effluent may cause or contribute to violations of water quality criteria. If there is such evidence of possible water quality violations, then (unless the permittee has complied with subsection (9) below) in reviewing reports and applications to establish permit conditions and determine compliance with permits and water quality criteria, the Department shall treat any result less than the MDL of the method required in the permit or the method as required under subsection (10) below or any lower MDL reported by the permittee's laboratory as being one half the MDL (if the criterion equals or exceeds the MDL) or one half the criterion (if the criterion is less than the MDL), for any pollutant. Without the permission of the applicant, the Department shall not use any values determined under this subsection or subsection (9) below for results obtained under a MDL superseded later by a lower MDL.

(9) As an alternative to the procedure described in subsection (8) above for determining the value of any result, the permittee may select and follow any procedure if set forth in any of the sources listed in this subsection below or shown by the permittee to provide equivalent reasonable assurance of accuracy and reliability, and if applicable to the particular discharge. Such equivalency of reasonable assurance and the applicability of each such procedure shall be determined in accordance with generally accepted methods of statistical analysis for that procedure. The following sources are incorporated here by reference.

(a) Gilbert, O.R., 1987. *Statistical Methods For Environmental Pollution Monitoring*, Van Nostrand Reinhold Company.

(b) Hollander, M., and D.A. Wolfe, 1973. *Nonparametric Statistical Methods*. Wiley, New York.

(c) USEPA. 1989. *Draft Technical Guidance Manual for Performing Wasteload Allocations. Book III: Estuaries. Part 1: Estuaries and WLA Models*. Center for Exposure Assessment Modeling. Athens, Ga.

(d) USEPA. 1991. *Technical Support Document for Water Quality-Based Toxics Control*. Office of Water Regulations and Standards. Washington, DC. EPA/505/2-90-001.

(e) USEPA. 1983. *Technical Guidance Manual for Performing Wasteload Allocations. Book II: Streams and Rivers. Chapter 1: Biochemical Oxygen Demand/Dissolved Oxygen*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-84/020.

(f) USEPA. 1983. *Technical Guidance Manual for Performing Wasteload Allocations. Book II: Streams and Rivers. Chapter 2: Nutrient/Eutrophication Impact*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-84/021.

(g) USEPA. 1984. *Technical Guidance Manual for Performing Wasteload Allocations. Book II: Streams and Rivers. Chapter 3: Toxic Substances*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-84/022.

(h) USEPA. 1983. *Technical Guidance Manual for Performing Wasteload Allocations. Book IV: Lakes and Impoundments. Chapter 2: Nutrient/Eutrophication Impacts*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-84/019.

(i) USEPA. 1986. *Technical Guidance Manual for Performing Wasteload Allocations. Book IV: Lakes and Impoundments. Chapter 3: Toxic Substances*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-87/002.

(j) USEPA. 1986. *Technical Guidance Manual for Performing Wasteload Allocations. Book VI: Stream Design Flow for Steady-State Modeling*. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-87/004.

(k) USEPA. 1985. *Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants*. Office of Research and Development. Athens, Ga. EPA/600/6-85/002 a and b.

(10) If there is evidence of possible water quality violations as set forth in subsection (8) above, and if the water quality criterion for the pollutant is lower than the MDL, the Department shall require the permittee to use the approved analytical method with the lowest MDL from those published by the Department or established by the permittee's laboratory for each such pollutant, for all reports and applications, to establish permit conditions and determine compliance. The Department shall not require the permittee to use an MDL lower than necessary to demonstrate compliance.

(11) If there is evidence that a pollutant in the effluent is reasonably expected to cause or contribute to water quality violations but there is no evidence of the presence of that pollutant in the ambient background receiving water, the Department shall treat the ambient background value of that pollutant in the receiving water as zero in establishing the pertinent effluent limit.

*Rulemaking Authority 403.051, 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.091, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—Formerly 17-3.03, Amended and Renumbered 3-1-79, Amended 4-26-87, 8-31-88, 6-4-92, 6-13-93, Formerly 17-4.246.*

#### **62-4.249 Preservation of Rights.**

*Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 402.708 FS. History—New 3-1-79, Amended 8-31-88, Formerly 17-4.249, Repealed 2-16-12.*

#### **62-4.250 Water Pollution Temporary Operation Permits; Conditions.**

*Rulemaking Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088(5)(c) FS. History—New 5-17-72, Amended 3-26-74, Formerly 17-4.25, Amended 8-31-88, 9-13-89, Formerly 17-4.250, Repealed 2-16-12.*

#### **62-4.510 Scope of Part III.**

This Part defines general permits and establishes the procedures for persons who may wish to use a general permit, except that the procedures for any person who may wish to use a general permit for a source of air pollutant emissions, and all conditions of such a general permit, are established at Chapters 62-210 and 62-213, F.A.C. The provisions of this Part shall not apply to activities regulated under Part IV of Chapter 373, F.S. However, this Part shall continue to apply to those activities grandfathered under Sections 373.414(11), (12)(a), (13), (14), (15), (16) and 373.4145(6), F.S.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.814(1) FS. Law Implemented 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088, 403.814, 403.702-.73, 403.851-.864 FS. History—New 7-8-82, Formerly 17-4.51, Amended 8-31-88, Formerly 17-4.510, Amended 4-18-95, 7-4-95, 10-16-95, 4-16-01, 10-1-07.*

#### **62-4.520 Definition.**

A general permit is a permit issued by rule of the Department pursuant to Section 403.814, F.S., which authorizes persons to undertake certain activities which cause minimal adverse environmental impact when performed in accordance with specific requirements and practices set forth in the general permit. A general permit also constitutes water quality certification pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, for the activity described in the general permit when the activity is performed in accordance with all applicable rules of the Department.

*Rulemaking Authority 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.814, 403.702-.73, 403.851-.864, 403.91-.938 FS. History—New 7-8-82, Formerly 17-4.52, Amended 8-31-88, 7-11-90, Formerly 17-4.520.*

#### **62-4.530 Procedures.**

(1) Persons wishing to use one or more of the general permits set forth in the Department's rules shall, at least 30 days before beginning any work, notify the Department in writing or on forms adopted by the department. They shall describe the proposed project, and include supporting documents depicting the proposed project, its location, and other pertinent information as required by rule to demonstrate that they qualify for the requested general permit. Persons wishing to use a general permit shall notify the appropriate office of the Department in writing. Persons wishing to use a general permit are hereby placed on notice that projects undertaken without proof of notice to the Department shall be considered as being undertaken without a permit and shall be subject to enforcement pursuant to Section 403.161, F.S.

(2) A proposed project which may be reasonably expected to violate air quality standards, water quality standards, or drinking water standards or which will not meet the public interest requirements set forth in Chapter 403, F.S., shall not be entitled to use of a general permit.

(3) Pursuant to Section 258.397, F.S., no project which is located in the Biscayne Bay Aquatic Preserve is eligible for a general permit.

(4) Suspension or revocation of the use of a general permit shall be in accordance with Chapter 120, F.S. Good cause for the suspension or revocation shall include:

- (a) Submission of false or inaccurate information in the notification for use of a general permit or in the required reports;
- (b) Violation of law, Department orders, rules or permit conditions;
- (c) Refusal of lawful inspection under Section 403.091, F.S.; or
- (d) Any other act on the part of the permittee in the use of the general permit which results or may result in harm or injury to human health or welfare, or which causes harm or injury to animal, plant or aquatic life, or to property.

(5) Unless otherwise required as part of a specific category of general permit, persons qualifying for the use of a general permit are not required to, but may, publish in a newspaper of general circulation in the area affected by the proposed project a notice of intent to use a general permit. The notice, if published, shall follow substantially the format in Rule 62-103.150, F.A.C., and shall be published within 14 days of the date when the department receives notification pursuant to subsection 62-4.530(1), F.A.C. No person who has published notice shall begin work until after the 21 days for requesting a hearing has passed or a hearing is held and a decision is rendered.

(6) Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the Department without any agency action. When no agency action is taken, unless the Department or the applicant publishes notice of the application, the provisions of Chapter 120, F.S., granting to affected parties the right to an administrative hearing do not apply.

*Rulemaking Authority 403.814(1) FS. Law Implemented 258.397, 403.061, 403.087, 403.088, 403.702-.73, 403.814, 403.851-.864 FS. History—New 7-8-82, Amended 6-16-84, Formerly 17-4.53, Amended 8-31-88, 3-19-90, Formerly 17-4.530.*

#### **62-4.540 General Conditions for All General Permits.**

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this Part are “general permit conditions” and are binding upon the permittee. The conditions are enforceable under Chapter 403, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee’s use of the general permit and may cause the Department to begin legal proceedings.

(3) The general permit does not convey any vested rights or any exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.

(4) The general permit does not relieve the permittee from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(5) The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgment of title. It does not constitute authority for reclamation of submerged lands. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(6) No general permit shall authorize the use of state owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to Section 253.77, F.S.

(7) The general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., 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 state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

(8) The general permit shall not be transferred to a third party except pursuant to Rule 62-4.120, F.A.C.

(9) The general permit authorizes construction and, where applicable, operation of the permitted facility.

(10) The permittee agrees in using the general permit to make every reasonable effort to conduct the specific activity or construction authorized by the general permit in a manner that will minimize any adverse effects on the adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.

(11) The permittee agrees in using the general permit to allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test upon presentation of credentials or other documents as may be required by law to determine compliance with the permit and the department rules.

(12) The permittee agrees to maintain any permitted facility, or activity in good condition and in accordance with the plans submitted to the department under subsection 62-4.530(1), F.A.C.

(13) A permittee's use of a general permit is limited to five years. However, the permittee may request continued use of the general permit by notifying the department pursuant to subsection 62-4.530(1), F.A.C. However, the permittee shall give notice of continued use of a general permit thirty days before it expires.

*Rulemaking Authority 403.814(1) FS. Law Implemented 253.123, 253.124, 403.061, 403.087, 403.088, 403.702-.73, 403.814, 403.851-.864 FS. History—New 7-8-82, Formerly 17-4.54, Amended 8-31-88, Formerly 17-4.540.*

