

Notice of Proposed Rule

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO: RULE TITLE

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PURPOSE AND EFFECT: In 1995, EPA authorized the Department to implement the National Pretreatment program to control pollutants from industrial dischargers which have the potential to pass-through or interfere with the operation of domestic wastewater treatment facilities. The Department currently regulates 63 approved programs and those programs regulate a total of 744 industrial users through permitting. To implement the program, the Department originally adopted Chapter 62-625, F.A.C., in November 1994. Chapter 62-625, F.A.C., was last amended January 8, 1997. The Department is now amending Chapter 62-625, F.A.C., to incorporate the October 2005 revisions of 40 CFR Part 403 and to clean up and clarify existing language.

SUMMARY: The Department is amending Chapter 62-625, F.A.C., to incorporate changes that EPA made to 40 CFR Part 403 to streamline procedures for approval and implementation of the pretreatment program. The amendments to Chapter 62-625, F.A.C., are as follows: (1) allow Control Authorities to authorize an industrial user (IU) subject to categorical Pretreatment Standards to reduce sampling of a pollutant if the IU demonstrates that a given pollutant is neither present nor expected to be present in the discharge; (2) allow Control Authorities to authorize the use of equivalent concentration limits in lieu of mass limits for Categorical Industrial Users (CIUs) in certain industrial categories; (3) allow Control Authorities to issue general control mechanisms to groups of Significant Industrial Users (SIUs) that are substantially similar; (4) allow Control Authorities to reduce oversight of certain CIUs based on percentage of contribution to the wastewater facility; (5) allow Control Authorities to reduce oversight of certain Industrial Users that may be reclassified as Non-Significant Categorical Industrial Users (NCSIUs); (6) provide greater flexibility in the use of certain sampling techniques; (7) allow, in certain circumstances, Control Authorities to express CIUs' concentration-based categorical Pretreatment Standards as equivalent mass limits; (8) clarify that wastewater facilities may use Best Management Practices as alternatives to numeric limits that are developed to protect the wastewater treatment facility, water quality, and sewage sludge; (9) clarify the definition of significant noncompliance as it applies to violations of instantaneous and narrative requirements, and late reports; and (10) changes to the evaluation of local limits and evaluation of the need for a pretreatment program for certain discharges to UIC wells.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a

proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [403.061\(7\)](#), [403.061\(31\)](#), [403.0885 FS](#).

LAW IMPLEMENTED: [403.0885 FS](#).

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW(IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, January 14, 2010, 9:00 a.m. – 11:30 p.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop by contacting: Dawn Templin at (850)245-8601 or the below information. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dawn Templin, P.E., Florida Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400; telephone (850)245-8601, or e-mail: dawn.templin@dep.state.fl.us. Copies of the draft rule are also available on the Department's internet site at: http://www.dep.state.fl.us/water/rules_dr.htm (OGC No. 09-0822)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-625.100 Scope/Intent/Purpose.

(1) This chapter implements the pretreatment requirement of Section 403.0885 of the Florida Statutes (F.S.). Section 403.0885, F.S., empowers the Department of Environmental Protection (Department), ~~or its successor agencies,~~ to establish a State National Pollutant Discharge Elimination System (NPDES) permit program in accordance with section 402 of the Clean Water Act of 1987 (CWA), specifically including the pretreatment program under 40 CFR part 403. In implementing this pretreatment program, the Department will be in conformance with sections ~~204(b)(1)(B)~~ ~~204(b)(1)(C)~~, 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304(e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Water Quality Clean Water Act of 1987 (Public Law 100-4). This chapter establishes responsibilities of State and local government, industry, and the public to implement pretreatment standards to control pollutants which pass through or interfere with treatment processes in domestic wastewater facilities (WWFs) or which may contaminate domestic wastewater residuals as defined in Chapter 62-640 of the Florida Administrative Code (F.A.C.).

(2) By establishing the responsibilities of government and industry to implement pretreatment standards this chapter fulfills three objectives:

(a) through (b) No change.

(c) To improve opportunities to reuse reclaimed water, residuals, and industrial wastewaters and sludges ~~beneficially use domestic wastewater residuals.~~

Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, ~~403.0885~~ FS. History—New 11-29-94, Amended _____.

62-625.110 Applicability.

(1) This chapter applies:

(a) To the discharge of pollutants from nondomestic sources covered by pretreatment standards which are discharged into, transported by truck or rail, or otherwise introduced into WWFs as defined in subsection 62-625.200(29)(24), F.A.C.;

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

(c) No change.

~~(2) This chapter shall not be implemented until the date this Department receives authorization from the United States Environmental Protection Agency (EPA) to administer the NPDES program.~~

~~(2)(3) No change.~~

Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History--New 11-29-94. Amended _____.

62-625.200 Definitions.

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

~~(1) "Approval Authority" means the Department of Environmental Protection or its successor agencies.~~

~~(1)(2) No change.~~

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

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

~~(4)(3) No change.~~

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

~~(6)(5) No change.~~

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

(6) through (7) renumbered (8) through (9) No change.

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

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

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

“Measurement” refers to the ability of the analytical method or protocol to quantify, as well as identify, the presence of the substance in question.

(13)(9) No change.

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

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

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

(c) Never discharges any untreated categorical process wastewater.

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

(16)(11) “Permit” means a permit, ~~including a No Discharge (ND) permit,~~ issued to a WWF in accordance with Chapter 62-620, F.A.C.

(17)(12) “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C. ~~Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the WWF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection 62-625.410(6), F.A.C.~~

(13) through (14) renumbered (18) through (19) No change.

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

(16) through (17) renumbered (21) through (22) No change.

(23)(18) “Responsible Corporate Officer” means:

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

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

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

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

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

~~4. Has been assigned or delegated the operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~(24)(19)~~ No change.

~~(25)(20)~~ “Significant Industrial User” means, except as provided in paragraph (c) and (d) below, the following:

~~(a) Categorical Industrial Users All industrial users subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Chapter 62-660, F.A.C.; and~~

~~(b)~~ No change.

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

~~(d)(e)~~ No change.

~~(26)(21)~~ “Slug Discharge” means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF’s regulations, local limits or permit conditions.

~~(22) through (23) renumbered (27) through (28)~~ No change.

~~(29)(24)~~ “Wastewater Facility” or “WWF” means any facility which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works plant, and the reuse or disposal system, and the residuals management facility.

~~(30)(25)~~ No change.

~~Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History—New 11-29-94, Amended _____.~~

62-625.400 Pretreatment Standards: Prohibited Discharges.

(1) through (2) No change.

(3) Specific limits developed by the control authority.

(a) through (c) No change.

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

~~(4) through (5)~~ No change.

~~Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History—New 11-29-94, Amended _____.~~

62-625.410 Pretreatment Standards: Categorical Standards.

(1) Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which have the potential to be discharged in accordance with 40 CFR Part 403.6, as of July 1, 2009, hereby adopted and incorporated by reference, to a WWF by existing or new industrial users, in specific industrial subcategories, are established as separate Federal regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471 and adopted by reference in Chapter 62-660, F.A.C. These pretreatment standards, unless

specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this chapter.

(2) No change.

(3) Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective in the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471 which are adopted by reference in Chapter 62-660, F.A.C., unless a shorter compliance time is specified as part of the categorical standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in subsection 62-625.200(13)(9), F.A.C. New sources shall install and have in operating condition, and shall “start-up”, all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within 90 days of initiating discharge, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits.

(a) through (d) No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) No change.

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

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

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

1. through 2. No change.

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

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

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

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

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

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

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

~~a. boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process waste streams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, shall determine whether such streams should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;~~

~~b. Sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or~~

~~c. From any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:~~

~~(i) the pollutants of concern are not detectable in the effluent from the industrial user;~~

~~(ii) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;~~

~~(iii) the pollutants of concern are present in amounts too small to be effectively reduced by known technologies;~~

~~or~~

~~(iv) the waste stream contains only pollutants which are compatible with the WWF subsection 62-625.880(1), F.A.C., contains a list of industrial subcategories considered to have dilute waste streams for purposes of the combined waste stream formula.~~

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

N = The total number of regulated streams.

(b) No change.

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

(d) No change.

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

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

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

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

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

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

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

or

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

(d) Waste streams from the list of industrial user subcategories identified in subsection 62-625.880(1), F.A.C. Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History--New 11-29-94, Amended _____.

62-625.420 Removal Credits.

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

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

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

1. ~~Application.~~ The control authority requests ~~applies for~~, and receives authorization from the Department to give, a removal credit in accordance with the requirements and procedures specified in subsection ~~(4)(5)~~ below.

2. No change.

3. Pretreatment program. The public utility has ~~a~~ an approved pretreatment program approved by the Department in accordance with and to the extent required by this chapter; provided, however, a public utility which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in subsection (4) below.

4. Domestic wastewater residuals requirements. The granting of removal credits will not cause the WWF to violate the local, State, and Federal requirements which apply to the domestic wastewater residuals management method chosen by the WWF. Alternatively, the WWF can demonstrate to the Department that (even though it is not

presently in compliance with applicable domestic wastewater residual requirements); it will be in compliance when the industrial user (to whom the removal credit would apply); is required to meet its categorical pretreatment standard, as modified by the removal credit. Removal credits may be made available for the following:

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

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

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

d. No change.

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

(c) No change.

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

(a) through (b) No change.

(c) Sampling procedures: composite.

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

2. Sampling frequency and historical data.

a. Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the Department determines that this sampling is not ~~schedule will not be most~~ representative of the actual operation of the WWF, the Department shall notify the WWF with an explanation of why it has come to this determination. The control authority shall submit, within 30 days of receipt of the Department notice, an alternative sampling schedule. The Department shall approve the alternative sampling schedule if it is ~~mostly~~ representative of the operation of the WWF. The alternative sampling schedule shall not be implemented until written Department approval is obtained.

b. No change.

3. ~~Effluent sample collection need not be delayed to compensate for hydraulic detention unless the control authority elects to include detention time compensation or unless the Department requires detention time compensation.~~ The Department shall require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of

actual WWF operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(d) Sampling procedures: Grab. Where composite sampling is not an appropriate sampling technique, grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used shall be based upon the average of the daily flows during the same month of the previous year. Grab samples shall be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions which take place after sample collection and affect the results. ~~A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.~~

(e) Analytical methods. The sampling referred to in paragraphs (c) and (d) above, and an analysis of these samples, shall be performed in accordance with Chapter 62-160 ~~subparagraph 62-625.600(1)(e)6.~~, F.A.C.

(f) No change.

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

(3) Provisional credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes), the control authority may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other comparable treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated in accordance with subsection (2) above. If, within 18 months after the commencement of the discharge of the pollutant in question, the WWF cannot demonstrate consistent removal in accordance with subsection (2) above, the authority to grant provisional removal credits shall be terminated by the Department in accordance with paragraph ~~(5)(6)~~(d) below.

~~(4) Exception to pretreatment program requirement. A public utility required to develop a pretreatment program in accordance with Rule 62-625.500, F.A.C., may conditionally give removal credits, pending Department approval of such a pretreatment program, in accordance with the following terms and conditions:~~

~~(a) All industrial users, who are currently subject to a categorical pretreatment standard and wish to conditionally receive a removal credit, must submit to the public utility the information required in paragraphs 62-625.600(1)(a) through (g), F.A.C., (except new or modified industrial users must only submit the information required by paragraphs 62-625.600(1)(a) through (f), F.A.C.), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;~~

~~(b) The public utility must have submitted to the Department an application for pretreatment program approval meeting the requirements of Rules 62-625.500 and 62-625.510, F.A.C., in a timely manner, not to exceed the time~~

limitation set forth in a compliance schedule for development of a pretreatment program included in the WWF's permit;

(c) The public utility must

1. Compile and submit data demonstrating consistent removal at the WWF in accordance with (2) above,
2. Comply with the conditions specified in paragraph (1)(b) above, and
3. Submit a complete application for removal credit authority in accordance with subsection (5) below;

(d) If a public utility receives authority to grant conditional removal credits and the Department subsequently makes a final determination, after appropriate notice, that the public utility failed to comply with the conditions in paragraphs (b) and (c) above, the authority to grant conditional removal credits shall be terminated by the Department in accordance with paragraph (6)(d) below;

(e) If a public utility grants conditional removal credits and the public utility or the Department subsequently makes a final determination, after appropriate notice, that the industrial users failed to comply with the conditions in paragraph (a) above, the conditional credit shall be terminated by the public utility or the Department for the noncomplying industrial users in accordance with the requirements of paragraph (6)(d) below. The conditional credit shall not be terminated where a violation of the provisions of this rule results from causes entirely outside the control of the industrial users or the industrial users have demonstrated substantial compliance; and

(f) If the Department does not review an application for conditional removal credit authority upon receipt of such application, the conditionally revised discharge limits shall remain in effect until the application is reviewed by the Department. This review may occur at any time in accordance with the procedures of Rule 62-625.510, F.A.C., but in no event later than the time of any pretreatment program approval or any permit reissuance thereunder.

~~(4)~~(5) Control authority request application for authorization to give removal credits and Department review.

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

(b) ~~To whom application is made.~~ The request ~~An application~~ for authorization to give removal credits (or modify existing ones) shall be submitted in writing by the control authority to the Department.

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

(d) ~~Contents of the application.~~ The request ~~An application~~ for authorization to give removal credits must be supported by the following information:

1. through 3. No change.

4. ~~Pretreatment program certification.~~ ~~A certification that the public utility has an approved pretreatment program or qualifies for the exception in subsection (4) above.~~

5. through 6. renumbered 4. through 5. No change.

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

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

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

(h) Upon Department, and EPA, approval of a control authority's request application to grant removal credits, the WWF's permit shall be revised in accordance with Rule 62-620.~~325330~~, F.A.C., to include the revised discharge limits and any additional monitoring and reporting requirements.

~~(5)(6)~~ Continuation and withdrawal of authorization.

(a) through (c) No change.

(d) Modification or withdrawal of removal credits.

1. through 2. No change.

3. Public notice of withdrawal or modification. The Department shall not withdraw or modify revised discharge limits unless it first notifies, in writing, the control authority and all industrial users to whom revised discharge limits have been applied, of the reasons for such withdrawal or modification. The Department shall publish a notice of withdrawal or modification of revised discharge limits in a daily newspaper(s) of general circulation with the largest circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, F.S., and shall provide an opportunity for an administrative hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards, as appropriate, and shall achieve compliance with such limits in accordance with subsection 62-625.410(3), F.A.C. Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History--New 11-29-94, Amended 1-8-97, _____.

62-625.500 Pretreatment Program Development and Submission Requirements.

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

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

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

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

3. The public utility owns or operates one or more WWFs. Any WWF (or combination of WWFs operated by the same public utility) with a total design flow greater than 5 million gallons per day (mgd) and receiving pollutants from industrial users which pass through or interfere with the operation of the WWF or are otherwise subject to pretreatment standards shall be required to establish a pretreatment program.

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

(b)(e) Public utilities that own or operate one or more WWFs that are required to implement a pretreatment program. Any WWF providing reclaimed water to public access facilities in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16 shall develop a pretreatment program that meets the requirements of subsections (2) and (3) below, unless the public utility can provide an affirmative demonstration in accordance with subsection 62-610.330(2), F.A.C., or 40 CFR part 146.15(e)(1) that the WWF has no significant industrial users.

(c)(d) If a WWF identified as needing a pretreatment program does not have an approved pretreatment program, the Department shall revise, or revoke and reissue, the existing WWF permit. The revised or reissued permit shall contain a compliance schedule, with a final compliance date not to exceed one year from the effective date of the revised or reissued permit, for the development of a pretreatment program meeting the requirements of subsections (2) and (3) below.

~~(e) All pretreatment programs approved by the EPA prior to the effective date of this chapter, and active on the effective date of this chapter, will be considered to be approved by the Department.~~

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

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

1. No change.

2. Control through permit, order, or similar means; the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under subsection 62-625.200(25)(20), F.A.C., this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such industrial user except as provided in subparagraphs 7. and 8. below. Both individual and general control mechanisms ~~Such control mechanisms~~ must be enforceable and contain, at a minimum, the following conditions:

a. No change.

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

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

d. No change.

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

~~f. e.~~ No change.

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

3. through 6. No change.

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

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

b. Discharge the same types of wastes;

c. Require the same effluent limitations;

d. Require the same or similar monitoring; and

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

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

a. The industrial user's contact information;

b. The industrial user's production processes;

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

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

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

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

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

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

1. through 4. No change.

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

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

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

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

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

a. through d. No change.

7. No change.

8. Comply with the public participation requirements of Chapter 120, F.S., in enforcement of pretreatment standards. ~~In addition, these~~ These procedures shall include provision for at least annual public notification, ~~in the daily newspaper with the largest circulation within the jurisdiction served by the WWF, of industrial users which, at any time during the previous 12 months,~~ were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, F.S. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

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

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

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

f. Failure to provide, within 45 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; and

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

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

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

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

2. Describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place. The

enforcement response plan shall address, at a minimum, effluent limits violations, self-monitoring and reporting violations, compliance schedule violations, and violations found during inspections;

3. through 4. No change.

(e) Significant industrial users. The public utility shall prepare and maintain a list of its industrial users meeting the criteria of ~~significant industrial user~~ in paragraphs 62-625.200(25)(20)(a) and (b), F.A.C. The list shall identify the criteria in paragraphs 62-625.200(25)(20)(a) and (b), F.A.C., applicable to each industrial user and, ~~for industrial users meeting the criteria in Rule 62-625.200(20)(b), F.A.C.,~~ shall also indicate whether the public utility has made a determination in accordance with paragraphs 62-625.200(25)(20)(c) and (d), F.A.C., that such industrial user should not be considered a significant industrial user. The list shall be submitted to the Department in accordance with Rule 62-625.510, F.A.C., or as a non-substantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Modifications to the list shall be submitted to the Department in accordance with paragraph 62-625.600(8)(a), F.A.C. Any subsequent modifications thereto, shall be submitted to the Department as a nonsubstantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Determinations by the public utility as to whether an industrial user is a significant industrial user shall be deemed to be approved by the Department 90 days after submission of the list or modifications thereto, unless the Department determines that a modification is in fact a substantial modification. If the modification is determined by the Department to be a substantial modification, it shall be processed in accordance with paragraph 62-625.540(2)(a), F.A.C.

(3) through (4) No change.

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

62-625.510 Pretreatment Program Review and Approval Procedures.

(1) No change.

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

(a) Provide the public utility with a copy of a notice of request for approval of a pretreatment program. The public utility shall publish the notice in a daily newspaper(s) of general with the largest circulation within the jurisdiction served by the WWF, that meets the requirements of Sections 50.011 and 50.013, F.S., within 14 days of receipt of the request for publication. The public utility shall provide proof of publication to the Department, at the address specified in the request for publication, within 7 days of publication;

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

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

(d) Provide an opportunity for the public utility, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission. This request for public hearing shall be filed within the 30-day (or extended) comment period described in paragraph (c) above and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted;

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

(f) No change.

(3) No change.

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

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

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

(7) No change.

(8) Permit reissuance or revision. If a WWF is required to develop a pretreatment program ~~the submission is approved~~, the Department shall revise, or alternatively revoke and reissue, the a WWF's permit in order to incorporate requirements for pretreatment program development and implementation ~~the approved pretreatment program~~ as enforceable conditions of the permit. The revision of a WWF's permit for the purpose of incorporating these requirements ~~an approved pretreatment program~~ shall be deemed a minor permit revision subject to the procedures in Rule 62-620.~~325330~~, F.A.C.

~~Rulemaking Specific~~ Authority 403.061(7), (31), 403.0885, 403.815 FS. Law Implemented 403.0885, ~~403.08851~~, 403.815 FS. History- New 11-29-94, Amended 1-8-97, _____.

62-625.540 Modification of Pretreatment Programs.

(1) General. Either the ~~Department approval authority~~ or a control authority may initiate program modification at any time to reflect changing conditions at the WWF. Program modification is necessary whenever there is a significant change in the operation of a pretreatment program that differs from the information in the control authority's submission, as approved under Rule 62-625.510, F.A.C.

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

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

1. through 2. No change.

3. ~~If not already incorporated into the WWF's permit, the~~ The modification shall be incorporated ~~into the WWF's permit~~ after approval. ~~The permit will be modified to incorporate the approved modification~~ in accordance with Rule 62-620.325330, F.A.C., and

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

(b) The control authority shall notify the Department of any non-substantial modifications to its pretreatment program at least ~~45~~ 30 days prior to when they are to be implemented by the control authority, in a statement similar to that provided for in subparagraph (a)1. above. Such non-substantial program modifications shall be deemed to be approved by the Department ~~45~~ 90 days after the submission of the control authority's statement unless the Department determines that a modification submitted is a substantial modification. Following such "approval" by the Department, ~~if not already incorporated into the WWF's permit,~~ such modifications shall be incorporated ~~into the WWF's permit~~ in accordance with Rule 62-620.325330, F.A.C. If the Department determines that a modification reported by a control authority in its statement is in fact a substantial modification, the Department shall notify the control authority and initiate the procedures in paragraph (a) above.

(3) Substantial modifications.

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

1. No change.

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

3. No change.

~~4. Changes in the control authority's method for implementing categorical pretreatment standards (e.g., incorporation by reference, separate promulgation);~~

5. through 7. renumbered 4. through 6. No change.

~~8. Significant reductions in the control authority's pretreatment program resources (including personnel commitments, equipment, and funding levels); and~~

~~9. Changes in the WWF's domestic wastewater residuals disposal and management practices.~~

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

1. through 3. No change.

Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, ~~403.0885~~ FS. History—New 11-29-94, Amended _____.

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

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

(a) through (d) No change.

(e) Measurement of pollutants.

1. No change.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. ~~All laboratory analytical reports shall comply with Rule 62-160.670, F.A.C.~~ Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

~~3. A minimum of four (4) grab samples must be used for any of these applicable tests: pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature, dissolved oxygen, chlorine residual, un-ionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g., ortho phosphate, etc.). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.~~

~~3.4. The industrial user shall take a minimum of one representative sample to demonstrate compliance that data is in compliance necessary to comply with these requirements.~~

~~4.5. No change.~~

~~5.6. All activities related to sampling and analysis shall comply with paragraphs (6)(d) and (e) and Chapter 62-160, F.A.C., and shall be conducted under the requirements of subsection 62-160.300(5), F.A.C., which is Category 2A.~~

a. Sampling activities ~~and laboratory analyses~~ shall be performed according to procedures specified in “The Department of Environmental Protection Standard Operating Procedures for Field Activities,” DEP-SOP-001/01, March 31, 2008, hereby adopted and; “The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities” (DER-QA-001/02) September 1992 herein incorporated by reference. A copy of this document is available for inspection at the Department’s district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400 and is also available on the Department’s internet site. Alternatively, an organization with the required protocols listed in their Department Approved

Comprehensive Quality Assurance Plan may sample and analyze according to the protocols specified in that document.

b. ~~Analytical~~ To the extent possible, analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. ~~the techniques prescribed in Chapter 62-160, F.A.C. If a test for a specific component is not available in Chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DER-QA-001/92 and propose its use to the Quality Assurance Section of the Department. The Department shall determine if the proposed method is appropriate and applicable for use by the laboratory in accordance with Rule 62-160.530, F.A.C.~~

c. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C. ~~Where sampling or analytical techniques for the pollutant in question are not available or approved, or where the Department determines that the sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties, for which method validation information has been submitted and approved by the Department in accordance with Rules 62-160.430, 62-160.520 and 62-160.530, F.A.C.~~

7. through 8. renumbered 6. through 7. No change.

(f) No change.

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

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

2. No change.

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

(a) through (c) No change.

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

production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

(4) Periodic reports on continued compliance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) through (c) renumbered (f) through (g) No change.

(5) No change.

(6) Monitoring and analysis to demonstrate continued compliance.

(a) Except in the case of non-significant categorical industrial users, the ~~The~~ reports required in subsections (1), (3), and (4) above shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the Department is acting as the control authority. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under paragraph (1)(f); and subsection (3); above. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340 ~~62-160.670~~, F.A.C.

(b) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and

analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, ~~except the industrial user is not required to resample if:~~ Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

1. No change.

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

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

(d) For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows: All activities related to sampling and analysis shall be subject to the same requirements specified in (1)(e)6. above.

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

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

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

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

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

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

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

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

~~(h)(e)~~ If an industrial user subject to the reporting requirement in subsection (4) ~~or (7) above~~ monitors any regulated pollutant at the appropriate monitoring location more frequently than required by the control authority, using the procedures required by ~~paragraph subparagraph (6)(d) (1)(e)6.~~ above, the results of this monitoring shall be included in the report.

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

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

(b) The reports ~~must shall~~ be based on sampling and analysis performed in the period covered by the report, and are subject to the same requirements specified in ~~paragraphs (6)(d) and (6)(e) subparagraph (1)(e)6.~~ above. The sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user and is subject to the same requirements specified in ~~paragraphs (6)(d) and (6)(e) subparagraph (1)(e)6.~~ above, except when the Department is acting as the control authority. Where the control authority itself collects all the information required for the report, the significant noncategorical industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule ~~62-160.340 62-160.670~~, F.A.C.

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

(a) An updated list of the WWF's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The control authority shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The control authority shall also list the industrial users that are subject only to the local requirements. The list must also identify industrial users subject to categorical pretreatment standards that are subject to reduced reporting requirements under paragraph (4)(d) above and identify which industrial users are non-significant categorical industrial users.

(b) through (c) No change.

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

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

~~(f)(e)~~ A summary of all analytical results of influent and effluent ~~and biosolids~~ for each WWF covered by the pretreatment program for those toxic pollutants that have been identified under 40 CFR Part 122, Appendix D,

Tables II and III, as of July 1, 2009, hereby adopted and incorporated by reference I and H, with the exception of acrolein and acrylonitrile; and

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

(h)(f) No change.

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

(10) No change.

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

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

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

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

1. No change.

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

3. No change.

(d) No change.

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

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

(13) No change.

(14) Record-keeping requirements.

(a) Any industrial user and control authority subject to the reporting requirements established in this ~~chapter section~~ shall maintain records of all information resulting from any monitoring activities required by this ~~chapter section~~, including documentation associated with best management practices. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, 62-160.600, 62-160.610, 62-160.620 and 62-160.630, F.A.C.

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

(c) No change.

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

(15) Provisions governing hazardous waste.

(a) The industrial user shall notify the control authority and the Department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

(1) An ~~an~~ identification of the hazardous constituents contained in the wastes,

(2) An ~~an~~ estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

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

Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (9), above. The notification requirement in this subsection ~~section~~ does not apply to pollutants already reported under the self-monitoring requirements of subsections (1), (3),² and (4), above.

(b) through (d) No change.

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

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

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

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

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

Rulemaking Specific Authority 403.061(7), (31), 403.0885, 403.161 FS. Law Implemented 403.0885, 403.08851 FS. History–New 11-29-94, Amended 1-8-97,_____.

62-625.700 Fundamentally Different Factors Variance.

(1) through (8) No change.

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

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

1. through 2. No change.

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

(b) through (c) No change.

(10) through (12) No change.

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

62-625.820 Net/Gross Calculation.

~~Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this rule.~~

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

(2) Upon request of the industrial user, the applicable standard will be calculated on a “net” basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following requirements ~~of (2) and (3) below~~ are met:-

~~(a)(2) Either: Criteria-~~

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

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

(b) through (d) No change.

(3) ~~The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, and adopted by reference in Chapter 62-660, F.A.C., specifically provide that they shall be applied on a net basis. Rulemaking Specific Authority 403.061(7), 403.061(31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History- New 11-29-94, Amended 1-8-97,_____.~~

62-625.880 Tables.

(1) No change.

(2) Regulated pollutants eligible for a removal credit.

Pollutant	Residuals Use or Disposal Practice	
	Land Application (mg/Kg)	Surface Disposal (mg/Kg)
Arsenic	75	73
Cadmium		85
Chromium		600
Copper	4300	
Lead	840	
Mercury	57	
Molybdenum	75	
Nickel	420	420
Selenium	100	
Zinc	7500	

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

(4) Additional pollutants eligible for a removal credit.

Pollutant	Residuals Use or Disposal Practice			
	LA	UL	L	I
Arsenic	---	---	100(1)	---
Aldrin/Dieldrin (Total)	2.7	---	---	---
Benzene	16(1)	140	3400	---
Benzo(a)pyrene	15	100(1)	100(1)	---
Bis(2-ethylhexyl)phthalate	---	100(1)	100(1)	---

Cadmium	---	100(1)	100(1)	---
Chlordane	86	100(1)	100(1)	---
Chromium (Total)	100(2)	---	100(1)	---
Copper	---	46(1)	100(1)	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	---
2,4-Dichlorophenoxy-aceti	---	7	7	---
Fluoride	730	---	---	---
Heptachlor	7.4	---	---	---
Hexachlorobenzene	29	---	---	---
Hexachlorobutadiene	600	---	---	---
Iron	78(1)	---	---	---
Lead	---	100(1)	100(1)	---
Lindane	84	28(1)	28(1)	---
Malathion	---	0.63	0.63	---
Mercury	---	100(1)	100(1)	---
Molybdenum	---	40	40	---
Nickel	---	---	100(1)	---
N-Nitrosodimethylamine	2.1	0.088	0.088	---
Pentachlorophenol	30	---	---	---
Phenol	---	82	82	---
Polychlorinated biphenyls	4.6	<50	<50	---
Selenium	---	4.8	4.8	4.8
Toxaphene	10	26(1)	26(1)	---
Trichloroethene	10(1)	9500	10(1)	---
Zinc	---	4500	4500	4500

(a) No change.

(b) Footnotes

1. No change.

~~2. The (2) in the above table indicates the value is to be established on a case by case basis.~~

~~Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885, 403.0885+ FS. History--New 11-29-94, Amended 1-8-97,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009