



FLORIDA DEPARTMENT OF Environmental Protection

South District
Post Office box 2549
Fort Myers, Florida 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 16, 2020

Notice of Coverage under the Generic Permit for Discharge of Ground Water from Dewatering Operations

7-Eleven
Shellena Hussein
Project Manager
P.O. Box 711 Loc 148
Dallas, Texas 75221
Shellena.hussein@7-11.com

Re: 7-Eleven Store. No. 34805
10861 Airport Pulling Rd N
Naples, Florida 34109
Collier County

Permit Number: FLG072656
File Number: FLG072656-001-IWDE
Issuance Date: March 16, 2020
Effective Date: March 16, 2020
Expiration Date: March 15, 2025

Dear: Ms. Hussein

Notice of Coverage

In response to your request for coverage under the Generic Permit for Discharge of Ground Water from Dewatering Operations for the above referenced site, dated March 11, 2020, the Department of Environmental Protection hereby grants your request effective on date listed above. Use of the Generic Permit is valid until the expiration date listed above. Please refer to the permit number in all correspondence or permit. The permit number may also be used to find files electronically in DEP Electronic Document Management System (Oculus) Wastewater Catalog.

A copy of the Generic Permit, DEP Document 62-621.300(2)(a) and a copy of Rule 62-621.300(2), Florida Administrative Code (F.A.C.) are enclosed. Please review the permit to become familiar with the permit and any reporting requirements for which you may be responsible. All correspondence and inquiries shall be submitted to this office at: SouthDistrict@FloridaDEP.gov

Appropriate site specific Best Management Practices (BMPs) must be implemented upon commencement of the discharge under this Generic Permit.

Pursuant to Part III of the Generic Permit, to terminate permit coverage you shall submit DEP Form 62-621.300(2)(f), Notice of Termination Generic Permit for Discharge of Ground Water from Dewatering Operations (attached) to this office within 14 days after completion of the discharge activity or upon expiration of coverage, whichever occurs first. For your convenience, a blank form has been attached. Electronic submittal is preferred and is available at the [DEP Business Portal](#). **All NOTs submitted after December 21, 2020 shall be submitted electronically.**

This generic permit does not relieve the permittee from the responsibility for obtaining any other permits required by the Department or any federal, state or local agency, including Municipal Separate Storm Sewer Systems (MS4) Permittees (i.e. Florida Department of Transportation and local governments).

If you have any questions or comments regarding coverage under this Generic Permit, please contact Alexis Slobodzian at (239) 344-5629 or alexis.slobodzian@FloridaDEP.gov

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by

7-Eleven

Coverage under the Generic Permit for Discharge of
Ground Water from Dewatering Operations
Page 3 of 4

7-Eleven Store. No. 34805
File Number: FLG072656-001-IWDE

the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a), F.A.C.

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point-of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Nolin Moon

Environmental Administrator

Attachment(s):

1. Generic Permit for Discharge of Ground Water from Dewatering Operations, DEP Document 62-621.300(2)(a)
2. Rule 62-621.300(2), F.A.C.
3. Notice of Termination Generic Permit for Discharge of Ground Water from Dewatering Operations, DEP Form 62-621.300(2)(f)

7-Eleven

Coverage under the Generic Permit for Discharge of
Ground Water from Dewatering Operations
Page 4 of 4

7-Eleven Store. No. 34805
File Number: FLG072656-001-IWDE

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kelsey Current, APTIM, kelsey.current@aptim.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Shonathuray Buie

March 16, 2020

Clerk

Date

State of Florida
Department of Environmental Protection

Generic Permit
For
Discharge Of
Ground Water From
Dewatering Operations

Effective Date: 02/2015

This permit is issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code. Coverage under this permit constitutes authorization to discharge to waters of the State pursuant to the Department's federally-approved National Pollutant Discharge Elimination System (NPDES) program. Until coverage under this permit is terminated, revoked or expires, permittees using this generic permit are authorized to discharge ground water from dewatering operations to surface waters of the State in accordance with the terms and conditions of this permit

Part I. Authorization to Discharge

Coverage under this generic permit constitutes authorization to discharge ground water from a dewatering operation through a point source to surface waters of the State. Until coverage under this permit is terminated, revoked or expires, permittees using this permit are authorized to discharge ground water in accordance with the terms and conditions of this permit.

Part II. Definitions

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

- A. "Bypass" means the intentional diversion of waste streams from any portion of the treatment system.
- B. "Dewatering operations" means temporarily lowering the water table by draining or pumping of ground water from activities such as excavations, building foundations, vaults, trenches and aquifer performance tests for exploratory purposes.
- C. "Ground water" means water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.
- D. "Point source" means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- E. "Surface Waters" means those waters defined in Section 403.031(13), F.S., excluding underground waters.
- F. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.

Part III. General Provisions

A. Coverage under this permit

- 1. Discharges from dewatering operations are limited to a term not to exceed 5 years from the effective date of coverage.
- 2. Coverage under this generic permit shall be effective upon notification by the Department in accordance with Rule 62-621.101, F.A.C.
- 3. To terminate coverage under this generic permit the permittee shall submit a Notice of Termination (DEP Form 62-621.300(2)(f)), to the appropriate Department district office within 14 days after completion of the discharge activity or upon expiration of coverage, whichever occurs first. Electronic submittal is preferred and may be available at <http://www.dep.state.fl.us/water/wastewater/iw/iw-forms.htm>.

B. Effluent Limitations

- 1. Discharge of ground water from dewatering operations shall be limited and monitored by the permittee as specified below

| Parameter | Units | Discharge Limitation | Monitoring Frequency | Sample Type |
|-----------|-----------------|----------------------|-------------------------|---------------------|
| Flow* | gallons per day | Report | 1/week when discharging | Actual or Estimated |

* The flow rate shall not exceed the design flow rate of the sediment control measure employed.

Part IV. Best Management Practices

A. Implementation of Best Management Practices

- 1 The permittee shall develop and implement site specific control measures (Best Management Practices) to minimize or eliminate pollutant discharges resulting from dewatering operations to surface waters of the State. Appropriate BMPs shall have been developed and must be implemented upon commencement of the discharge. The most common BMPs for sediment control include sediment traps and basins, weir and dewatering tanks, filters, and chemical treatment. These technologies and approaches provide a number of options to achieve sediment removal. The sizes of the particle that make up the sediments are a key consideration in selecting sediment control options. A description of the most common types of sediment control technologies are provided below along with design considerations of each. Appendix II of the State of Florida Erosion and Sediment Control Designer and Reviewer Manual 2013 is available online to provide technical guidance in the development and implementation of BMPs for sediment control at:
 - <http://www.stormwater.ucf.edu/publications/2013RevisedDesignerManual.pdf> or,
 - <http://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.
- (a) Sediment Traps and Basins:
 - Sediment traps and basins are temporary earthen basins formed by the excavation and/or construction of an embankment to detain runoff containing sediment and allow sediments to settle out before discharging.
 - Sediment traps are generally smaller than sediment basins and usually have flume outlets covered with rock or vegetation to control erosion. The larger sediment basins are designed with some type of control release structure (weir) and usually discharge through a pipe.
 - Sediment traps and basins are effective for the removal of large and medium-size particles (sand and gravel) and some metals that settle out with the sediment particles. Sediment basins can also be effective at removing smaller silt particles.
 - Design flow rates are 25 to 500 gpm.
- (b) Weir and Dewatering Tanks
 - Weir tanks use a series of over-flow and under-flow weirs to maximize the residence time in the tank and achieve efficient settling and removal of sediments including gravel, sand, silt and metals (with the removed sediment). Some oil and grease can be removed by capture behind under-flow weirs. Design flow rates are 60 to 100 gpm.
 - Dewatering tanks are equipped with a fabric filter. Water flow enters the tank through the top, passes through the filter, and is discharges through the bottom of the tank. These tanks are effective for the removal trash, gravel, sand, silt, some visible oil and grease, and some metals (removed with the sediments). Design flow rates vary.
- (c) Filters (Gravity Filter Bags, Sand Media Filters, Pressurized Bag and Cartridge Filters)
 - A gravity filter bag is a square or rectangular bag made of nonwoven geotextile fabric that filters out and removes sediments including gravel, sand, and silt. Some metals are removed with the sediment. Water is pumped into one side of the bag and seeps through the bottom and sides of the bag. A secondary barrier, such as a rock filter bed or geobarrier, is placed beneath and beyond the edges of the bag to capture sediments that escape the bag. Design flow rates are 300 to 800 gpm.
 - Sand media filters are metal canisters filled with sand media used for filtering out trash, gravel, sand, silt and some metals as well as the reduction of Biochemical Oxygen Demand (BOD) and turbidity. Generally, sand filters provide a final level of treatment. They are often used as a secondary or higher level of treatment after a significant amount of sediment and other pollutants has been removed using other methods. Design flow rates are 80 to 1000 gpm.
 - Pressurized bag filter units are composed of single-filter bags made from polyester felt material. The water filters through the unit and is discharged through a common header. Some units include a combination of bag filters and cartridge filters for enhanced contaminant removal. Pressurized bag filters are effective for the removal of sand, silt, some clays, and some metals, as well as the reduction of BOD and turbidity. Design flow rates are 50 to 1000 gpm.

- Cartridge filter units come with various cartridge configurations or with a larger single-cartridge filtration unit (with multiple filters within). They provide a high degree of pollutant removal. They are often used as a secondary or higher polishing level of treatment after a significant amount of sediment and other pollutants is removed. Cartridge filters are effective for the removal of sand, silt, some clays, and some metals, as well as the reduction of BOD and turbidity. Design flow rates are 50 to 1000 gpm.

Note: Backwash water should be managed such that it is not discharged directly to waters of the State. Backwash water may be hauled away for proper disposal or returned to the beginning of the treatment process.

(d) Chemical Treatment

- Chemical treatment includes the addition of carefully selected chemicals such as polymers (e.g., polyacrylamide, PAM), alum, or other flocculants to water to aid in the reduction of turbidity by the removal of smaller particulates such as clay and fine silt. Chemical treatment should be considered where turbid discharges to surface waters cannot be avoided using other available BMPs and turbidity needs to be reduced to levels less than the water quality standard of 29 nephelometric turbidity units (NTUs) above background.
- The design of and operation of a chemical treatment system shall consider the factors that determine the most optimum, cost-effective performance. Factors to consider include the following:
 - The right chemical used at the right dosage. There is usually an optimum dosage rate which can be determined by bench testing the chemical at a range of dosage concentrations. Chemical use shall be designed to ensure they do not cause or contribute to water quality standards violations.
 - The flocculant shall be mixed rapidly into the water to ensure proper dispersion and floc formation. Sufficient flocculation might occur in the pipe leading from the point of chemical addition to the settling basin.
 - The withdrawal system shall be designed to minimize outflow velocities and to prevent floc discharge. If possible, the discharge shall be directed through a physical filter such as a vegetated swale to catch any unintended floc discharge.
 - A pH-adjusting chemical shall be added, if needed, to control pH.
 - Treatment systems can be designed as flow-through continuous or batch-treatment systems.
 - Treatment chemicals shall be approved by FDEP for potable water use.
 - Primary sediment basins or grit pits may be required if the water to be treated has a high percentage of suspended solids. This will prevent the heavy solids load from impacting the performance of the downstream chemical treatment system.

B. Inspection and Maintenance

1. Visual inspections of earthen embankments and discharge flumes or swales shall be performed to prevent washout, scouring, and embankment blowouts. Areas subject to erosion shall be grassed or covered with some type of erosion control material.
2. Sediments accumulated in sediment traps and basins shall be removed as necessary to maintain treatment efficiency. Sediments removed during the maintenance of a dewatering device shall be handled in accordance with the BMPs developed for the site.
3. Periodic cleaning of tanks and associated piping and equipment shall be performed based on visual inspection or reduced flow.
4. Gravity filter bags shall be inspected for proper performance at a reasonable frequency based on amount of use. The bag shall be replaced when it no longer filters sediments or passes water at a reasonable rate.
5. Filters shall be operated and maintained in accordance with manufacturer's recommendation especially with respect to cleaning, backwashing, and replacing overused filter media to ensure an acceptable level of efficiency.
6. The permittee shall maintain records of weekly inspections and maintenance activities required to maintain treatment efficiency.

PART V. Recordkeeping Requirements

The permittee shall maintain the following records and make them available for inspection on the permitted site unless the permittee identifies another location on DEP Form 62-621.300(2)(b).

- A. Records of all data, including reports and documents, used to complete the Notice of Intent requesting coverage under the permit for at least 3 years from the date the Notice of Intent was filed.
- B. Records of flow monitoring as required in Part III.B.1., records of chemicals used for treatment, if any, and records of inspections and maintenance activities identified in Part IV.B.6. of this generic permit for at least 3 years from the date the record was created.
- C. Copy of the permit.
- D. Copy of coverage issued by the Department.

PART VI. Other Conditions

- A. The discharge authorized by this permit shall not cause a violation to surface water quality standards.
- B. The permittee shall report any characteristic in the effluent that could indicate the presence of a pollutant or pollutants not previously identified or anticipated, (e.g., visible oil sheen, odor), and the occurrence, or new knowledge of, any spills, leaks or contamination in the vicinity of the project that could impact the water quality of the effluent. Reporting procedures are listed in Part VII.I. of this permit.
- C. If contamination in the vicinity of the site that causes or contributes to violations of water quality standards is encountered, the permittee shall cease dewatering operations and contact the Department. The site may qualify for coverage under Rule 62-621.300(1), F.A.C., or under an individual permit under Rule 62-620, F.A.C.
- D. The discharge shall not include visible floating solids or foam; or cause or contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter in such amounts as to form nuisances, produce color, odor, taste or turbidity, in accordance with Rule 62-302.500(1)(a), F.A.C.
- E. When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for revoking and reissuing, or terminating coverage under this permit, or to determine compliance with the permit. The permittee shall also provide to the Department, upon request, copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrections reported to the Department within 10 days of discovery.
- F. Coverage under this permit may be suspended, revoked and reissued, or terminated in accordance with Rule 62-620.345, F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.

PART VII. General Conditions

- A. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance. [62-620.610(1), F.A.C.]
- B. As provided in Section 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
- C. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
- D. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely

affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]

- E. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
- F. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - 1. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - 2. Have access to and copy any records that shall be kept under the conditions of this permit;
 - 3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - 4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9), F.A.C.]
- G. In accepting this permit, the permittee understands and agrees that all records and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is prescribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
- H. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
- I. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - 1. The following shall be included as information which must be reported within 24 hours under this condition:
 - (a) Any unanticipated bypass which exceeds any effluent limitations in the permit,
 - (b) Any upset which exceeds any effluent limitation in the permit,
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit, if applicable, and
 - (d) Any unauthorized discharge to surface or ground waters.
 - 2. Oral reports as required by this subsection shall be provided as follows:
 - (a) For unauthorized releases or spills of treated or untreated groundwater from dewatering operations reported pursuant to subparagraph 1.(d) that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (1) Name, address, and telephone number of person reporting;
 - (2) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (3) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (4) Characteristics of the spill or release (untreated or treated);
 - (5) Estimated amount of the discharge;
 - (6) Location or address of the discharge;

- (7) Source and cause of the discharge;
 - (8) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (9) Description of area affected by the discharge, including name of water body affected, if any; and
 - (10) Other persons or agencies contacted.
- (b) Oral reports, not otherwise required to be provided pursuant to subparagraph 2.(a) above, shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances.
3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. [62-620.610(20), F.A.C.]

J. Bypass Provisions.

1. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under General Condition J.2. of this permit.
2. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in General Condition I. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
3. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in General Condition J.1.(a) through (c) of this permit.
4. A permittee may allow any bypass to occur which exceeds effluent limitations in the permit if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of General Condition J.1. through 3. of this permit.

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

K. Upset Provisions.

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

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

Rule 62-621.300(2), F.A.C. Generic Permit for Discharge of Ground Water from Dewatering Operation.

(2) Generic Permit for Discharge of Ground Water from Dewatering Operations.

(a) The document "Generic Permit for Discharge of Ground Water from Dewatering Operations," document number 62-621.300(2)(a), issued by the Department and effective February 10, 2015, is hereby adopted and incorporated by reference. This document may be obtained by contacting either the local Department District Office, by writing to the Department of Environmental Protection, Industrial Wastewater Program, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, from the Department's website or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-04262>.

(b) Form 62-621.300(2)(b), Notice of Intent to Use the Generic Permit for Discharge of Ground Water from Dewatering Operations, (NOI), effective February 10, 2015, is hereby adopted and incorporated by reference. This form may be obtained by either contacting the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Program, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-04263>.

(c) Applicability and Coverage.

1. Coverage under this generic permit is available for discharge of ground water from dewatering operations to surface waters of the State, provided all criteria specified in this generic permit are met. Applicants seeking coverage under this permit shall submit a Notice of Intent to Use the Generic Permit for Discharge of Ground Water from Dewatering Operations, DEP Form 62-621.300(2)(b) as specified in that form. The permittee shall meet the effluent limitations and requirements specified in this generic permit.

2. This generic permit authorizes the discharge of ground water from dewatering operations through a point source to surface waters of the State under the State's Federally-approved NPDES program only and does not relieve the permittee of the responsibility of obtaining any other federal, state, or local government permit.

3. For the purposes of this section, 'dewatering operations' means temporarily lowering the water table by draining or pumping of ground water from activities such as excavations, building foundations, vaults, trenches and aquifer performance tests for exploratory purposes.

4. Beginning (February 10, 2015) dewatering operations as defined herein seeking coverage under the NPDES Generic Permit for Stormwater Discharges from Large and Small Construction Activities under subsection 62-621.300(4), F.A.C, are not required to obtain separate coverage under this permit.

5. Coverage under this generic permit shall not be effective until the applicant receives written notification from the Department.

(d) Discharges of ground water from dewatering operations are limited to a term not to exceed five years from the effective date of coverage.

(e) Requests for Coverage.

1. Requests for coverage under this generic permit shall be submitted at least 14 days prior to the planned commencement of discharge, to the industrial wastewater program at the local DEP office. Electronic submittal is preferred and may be available at the DEP Business Portal. The submission shall include the following: Completed Notice of Intent to Use Generic Permit for Discharge of Ground Water from Dewatering Operations, DEP Form 62-621.300(2)(b) and applicable fee as indicated in the form. Prior to the submittal of the NOI, the applicant shall develop best management practices consistent with part IV of this generic permit (DEP Document 62-621.300(2)(a)), which shall be implemented upon commencement of discharge.

2. The permittee may request renewal of coverage under this generic permit by submitting DEP Form 62-621.300(2)(b) and applicable fee as indicated in the form at least 14 days before expiration of current coverage.

3. Request for transfer of ownership under this generic permit shall be submitted to the industrial wastewater program at the local DEP office using DEP Form 62-620.910(11) and a \$50.00 processing fee pursuant to rule 62-4.050, F.A.C.

4. There is no annual fee for sites authorized to discharge under this generic permit pursuant to rule 62-4.052, F.A.C.

5. Existing dewatering operations with current coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity effective February 14, 2000, shall continue to meet the requirements of that permit unless the permittee elects to submit a complete DEP Form 62-621.300(2)(b), to convert to coverage under this generic permit.

(f) To terminate coverage under this generic permit the permittee shall submit DEP Form 62-621.300(2)(f). Notice of Termination Generic Permit for Discharge of Ground Water from Dewatering Operations effective February 10, 2015, which is hereby adopted and incorporated by reference. This form may be obtained by contacting the Florida Department of Environmental Protection, Bob Martinez Center, Industrial Wastewater Program, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department's website, or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-04264>.



**NOTICE OF TERMINATION
GENERIC PERMIT FOR DISCHARGE
OF GROUND WATER FROM DEWATERING
OPERATIONS
(subsection 62-621.300(2), F.A.C.)**

This Notice of Termination form shall be completed and submitted to the appropriate district office of the Department to terminate coverage under the Generic Permit for Discharges of Ground Water from Dewatering Operations. Electronic submittal is preferred and may be available at <http://www.dep.state.fl.us/water/wastewater/iw/iw-forms.htm>.

I. PERMIT NUMBER:

| |
|---------------------|
| DEP Permit No : FLG |
|---------------------|

II. TERMINATION INFORMATION:

| | |
|--------------------------|---|
| Reason for Termination: | |
| <input type="checkbox"/> | Dewatering project has been completed and/or discharge has ceased. |
| <input type="checkbox"/> | No longer operator of the site. |
| <input type="checkbox"/> | Site no longer qualifies for coverage under the Generic Permit for Discharges of Ground Water from Dewatering Operations. |
| <input type="checkbox"/> | Other reason(s): |

III. PERMITTEE INFORMATION:

| | | |
|-------------------------|-----------|--------------|
| 1. Name: | | |
| 2. Phone No.: | | |
| 3. Email Address: | | |
| 4. Street or P. O. Box: | | |
| 5. City or Town: | 6. State: | 7. Zip Code: |

IV. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print):

Title:

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.