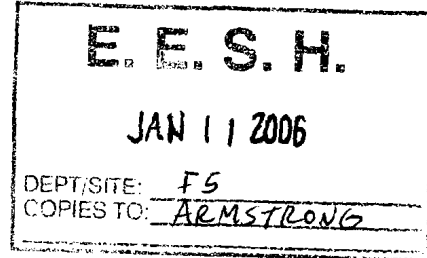




**Manatee County
Government**
Utility Operations Department

January 3, 2007

Dr. Tina Armstrong, PhD.
Senior Manager, Environmental Remediation
Lockheed Martin Corporation
6801 Rockledge Drive MP: CLE610
Bethesda, Maryland 20817



Re: Revision of Industrial User Permit to Lockheed Martin Corporation by Manatee County Utility Operations Department, Permit # IW - 0025S

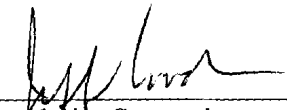
Dear Dr. Armstrong

Please find enclosed revised Discharge Permit # IW- 0025S which covers the treated groundwater discharged from the remediation system located at the former American Beryllium Company site 1600 Tallevast Road, Tallevast, FL 34243 as identified in your permit application dated April 12, 2006. All discharges, actions, and reports relating thereto shall be in accordance with the terms and conditions of this permit.

Revisions have been made to allow for the use of EPA Method 8260C with heated purge, isotope dilution and selective ion monitoring (SIM) for the analysis of 1,4-Dioxane. Please note that Method 8260C is an acceptable method for this constituent only when the cited modifications are utilized.

Thank you for your cooperation, please do not hesitate to contact me at the number listed below should you have questions regarding this matter.

Sincerely,



Jeff Goodwin, Supervisor

cc: Guy Kaminski, P.E., BB&L, Inc. (w/enclosure)



**MANATEE COUNTY
GOVERNMENT
Utility Operations Department**

**MANATEE COUNTY UTILITY OPERATIONS DEPARTMENT
OFFICE OF INDUSTRIAL COMPLIANCE**

PERMIT: IW 0025S

In accordance with the provisions of Manatee County Sewer Use Ordinance 05-69:

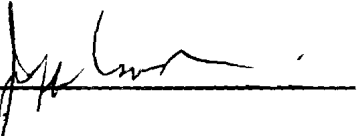
**Lockheed Martin Corporation
6801 Rockledge Drive
MP: CLE610
Bethesda, MD 20817**

Is hereby authorized to discharge pretreated groundwater from the **former American Beryllium Company site located at 1600 Tallevast Road, Tallevast, FL 34243** into the Manatee County Utility Operations Department's sanitary sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State or Federal laws, including any such regulations, standards, requirements or laws that may become effective during the term of this permit.

Non-compliance with any term or condition of this permit shall constitute a clear and direct violation of the Manatee County Utility Operations Department's Sewer Use Ordinance 05-69.

This permit shall become effective on: **August 10, 2006** and shall expire at midnight on: **August 9, 2009**.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Manatee County Sewer Use Ordinance 05-69, a minimum of **60 days** prior to the expiration date.



Jeff Goodwin
Supervisor
Central Laboratory/Industrial Compliance

Revised this 3rd day of January, 2007

PART 1 – DESCRIPTION AND REGULATION OF OPERATION

- A. **Lockheed Martin Corporation, owner of the former American Beryllium Company site located at 1600 Tallevast Road, Tallevast, FL 34243** is identified for the purposes of this wastewater discharge permit as a significant industrial user as defined in Manatee County Sewer Use Ordinance 05-69. The discharge is directed to the Southwest Water Reclamation Facility.
- B. **Lockheed Martin Corporation** is identified as a Significant Industrial User under the definitions contained in 40 CFR 403 and Manatee County Sewer User Ordinance 05-69.
- C. All relevant pretreated groundwater must pass through all pretreatment processes as submitted in the wastewater discharge permit application dated **April 12, 2006**, prior to discharge to the sewer system. No pretreatment process may be bypassed without the prior written permission of the Director.
- D. Wastestreams from the facility consist of the following:
1. Treated groundwater.
- E. This permit is issued for a specific operation as submitted in the wastewater discharge permit application dated **April 12, 2006**. If the permittee wishes to discharge any other types of wastewater, a written request must be submitted to the County's Office of Industrial Compliance in advance. Failure to notify the County may result in enforcement actions up to and including termination of this wastewater discharge permit.

PART 2 – EFFLUENT LIMITATIONS

- A. During the period of **August 10, 2006** to **August 9, 2009** the permittee is authorized to discharge pretreated wastewater into the Manatee County's Sanitary Sewer System from the discharge location listed below.

Description of outfall:

001 – Sample port on the effluent discharge line subsequent to the flow meter as identified in the inspection report dated September 13, 2006.

- B. During the period of **August 10, 2006** to **August 9, 2009** the discharge from outfall 001 shall not exceed the following effluent limitations applied to the end of process.

Effluent Limitations

Parameter	Units	Daily Minimum	Daily Maximum	Applicable Standard
pH	SU	5.0	11.5	Local limit
1,4-Dioxane	mg/L	N/A	Report	N/A
Trichloroethene	mg/L	N/A	0.003	Primary Drinking Water Standard
Tetrachloroethene	mg/L	N/A	0.003	Primary Drinking Water Standard
1,1-Dichloroethene	mg/L	N/A	0.007	Primary Drinking Water Standard
1,1-Dichloroethane	mg/L	N/A	0.003	Primary Drinking Water Standard
cis 1,2-Dichloroethene	mg/L	N/A	0.070	Primary Drinking Water Standard
Vinyl chloride	mg/L	N/A	0.001	Primary Drinking Water Standard
Aluminum	mg/L	N/A	0.200	Secondary Drinking Water Standard
Arsenic	mg/L	N/A	2.51	Local Limit
Beryllium	mg/L	N/A	0.004	Primary Drinking Water Standard
Cadmium	mg/L	N/A	0.73	Local Limit
Chromium	mg/L	N/A	9.90	Local Limit
Copper	mg/L	N/A	28.48	Local Limit
Nickel	mg/L	N/A	11.08	Local Limit
Lead	mg/L	N/A	1.87	Local Limit
Zinc	mg/L	N/A	4.78	Local Limit

- C. All discharges shall comply with all other applicable laws, regulations, standards and requirements contained in Manatee County Sewer Use Ordinance 05-69 and any applicable State and Federal pretreatment laws, regulations, standards and requirements, including any such laws, regulations, standards or requirements that may become effective during the term of this permit.

PART 3 – MONITORING REQUIREMENTS

- A. From the period beginning on the effective date of the permit until **August 9, 2009** the permittee shall monitor **outfall 001** for the following parameters at the indicated frequency.

Sample Parameter	Frequency	Sample Type
¹ flow	continuous	metered
² pH	continuous	metered
³ 1,4-Dioxane	Quarterly	Grab
Trichloroethene	Quarterly	Grab
Tetrachloroethene	Quarterly	Grab
1,1-Dichloroethene	Quarterly	Grab
1,1-Dichloroethane	Quarterly	Grab
cis 1,2-Dichloroethene	Quarterly	Grab
Vinyl chloride	Quarterly	Grab
Aluminum	Quarterly	Composite
Arsenic	Quarterly	Composite
Beryllium	Quarterly	Composite
Cadmium	Quarterly	Composite
Chromium	Quarterly	Composite
Copper	Quarterly	Composite
Nickel	Quarterly	Composite
Lead	Quarterly	Composite
Zinc	Quarterly	Composite

¹Flow meters must be calibrated according to manufacturer's instructions but in no case less than once per year.

² pH meters must be calibrated according to manufacturer's instructions but in no case less than once per month.

³Must be analyzed using either EPA Method 1624 or EPA Method 8260C with heated purge, isotope dilution and selective ion monitoring (SIM).

- B. All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with Florida Administrative Code chapter 62-160 and amendments thereto, unless specified otherwise in the monitoring conditions of this permit.
- C. Monitoring results obtained shall be summarized quarterly (**January, April, July, and October**) of

each year and reported twice per year. The reports are due **the 28th day of the following month (i.e. February 28th; May 28th; August 28th; and November 28th)**. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed, including measured maximum and average daily flows.

- D. If the permittee monitors any pollutant more frequently than required by this permit using test procedures prescribed in Florida Administrative Code chapter 62-160 or amendments thereto, or otherwise approved by the Florida Department of Environmental Protection or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the semi-annual report(s) submitted to the MCUOD Office of Industrial Compliance.
- E. The County will monitor the discharge from the permittee's facility at a minimum of twice per year. Monitoring will include the collection and analysis of wastewater samples in order to determine pollutant concentrations and compliance with effluent limitations. The County may also provide sampling and analysis services to the permittee in order to comply with self-monitoring requirements if the permittee elects for the County to do so. The permittee will be charged according to the rate schedules defined in the current Manatee County Rate Resolution. Should the permittee require a test for which the County's laboratory is not equipped, an independent laboratory will be utilized at the permittee's expense.
- F. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee shall:
1. Inform the Director of the violation within 24 hours; and
 2. Repeat the sampling and pollutant analysis and submit, in writing, the results of the repeat analysis within 30 days of the first violation.
- G. The permittee shall notify the Director immediately upon the occurrence of an accidental discharge of substances prohibited by SUO 05-69 or any slug loads or spills that may enter the sanitary sewer. During normal business hours, the Director shall be notified by telephone at **795-3436**. At all other times, the Director shall be notified by telephone at **704-0878** (after 5 p.m. Monday – Friday, weekends and holidays). The notification shall include location of the discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State or Federal laws.
- H. Within five (5) days following an accidental discharge, the permittee shall submit to the Director a detailed written report. The report shall specify:
1. Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description shall also include the location of the discharge as well as the type, concentration, and volume of waste.
 2. Duration of noncompliance, including exact dates and times, if the noncompliance is continuing, and the time by which compliance is reasonably expected to occur.
 3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

4. All reports required by this permit shall be submitted to:

**Manatee County Utility Operations
Att: Office of Industrial Compliance
5101 65th Street West
Bradenton, FL 34210**

PART 4 – SPECIAL CONDITIONS

A. REOPENER CLAUSE

1. This permit may be reopened and modified to incorporate any new or revised requirements contained in the Florida Administrative Code (F.A.C) Chapter 62-625.
2. This permit may be reopened and modified to incorporate any new or revised requirements resulting from the Manatee County Utility Operations Department's reevaluation of local discharge limits.
3. This permit may be reopened and modified to incorporate any new or revised requirements developed by Manatee County Utility Operations Department as are necessary to ensure POTW compliance with applicable biosolid management requirements promulgated by F.A.C. Chapter 62-625.

B. COMPLIANCE SCHEDULE

The permittee shall accomplish the following tasks in the designated time period:

1. Install flow and pH meters subsequent to pretreatment system and prior to discharge to sanitary sewer.
2. Sampling shall be conducted at a minimum three (3) times per week for the first week; weekly for the first month; monthly for the next two months; and quarterly thereafter. The monitoring requirements may be revised, including parameter list and frequency based on the initial results.

PART 5 – SPECIFIC PROHIBITIONS

- A. Any commercial or industrial waste that may cause pass through of pollutants or interference with the wastewater treatment plant operations or that violates Federal, State, or local restrictions shall not be discharged to the wastewater treatment facility.

- B. The permittee is prohibited from discharging wastes with the following characteristics:

1. Having a pH lower than 5.0 or greater than 11.5.
2. Pollutants which create a fire or explosive hazard in the sanitary sewer collection system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in Chapter 62-160, Florida Administrative Code (F.A.C.).
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a pollutant

- concentration and/or flow rate which, either singly or by interaction with other pollutants, will cause interference with Manatee County's receiving wastewater treatment facilities.
5. Wastewater having a temperature greater than [104° F (40° C)], or which will inhibit biological activity in a wastewater treatment plant resulting in interference.
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 8. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a safety hazard, or to prevent entry into the sewers for maintenance or repair.
 9. Wastewater which imparts color which cannot be removed by the treatment process.
 10. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State or Federal regulations.
 11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.
 12. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 13. Medical wastes, except as specifically authorized by the Director in an industrial user discharge permit.
 14. Wastewater causing, alone or in conjunction with other sources, a treatment plant's effluent to fail a toxicity test.
 15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
 16. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than [5%], or any single reading over [10%] of the Lower Explosive Limit of the meter.
 17. The permittee is prohibited from discharging wastes which exceed the Local Limits found in Manatee County Sewer Use Ordinance 05-69.

PART 6 – STANDARD CONDITIONS

A. GENERAL CONDITIONS AND DEFINITIONS:

1. DEFINITIONS:

- a. **Bi-Weekly:** Once every other week.
- b. **Bi-Monthly:** Once every other month.
- c. **Bypass:** The diversion of wastes from any portion of a treatment facility.
- d. **Collection System:** The combined pipes, conduits, manholes and other structures, usually underground, which convey wastewater to the Manatee County Wastewater Treatment Facilities.
- e. **Composite Sample:** A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a **time composite sample:** composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a **flow proportional composite sample:** collected either as a constant sample volume at time intervals proportional to a stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- f. **Cooling Water:**
 - i. **Uncontaminated:** Water used for cooling purposes only which has no direct

- contact with any raw material, intermediate or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
- ii. **Contaminated:** Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- g. **Daily Maximum:** The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- h. **Director:** The Director of the Manatee County Utility Operations Department, or his/her duly appointed and authorized deputies, agents, or representatives.
- i. **Domestic Wastewater:** The liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special pretreatment, into the public sewer or by means of private disposal system.
- j. **Grab Sample:** An individual sample collected in less than 15 minutes, without regard for flow or time.
- k. **Instantaneous Maximum Concentration:** The maximum concentration allowed in any single grab sample.
- l. **Interference:** A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts Manatee County's treatment system, processes or operations or its sludge processes or disposal; and therefore, is a cause of a violation of the County's NPDES Permit, FDEP Permit, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Clean Water Act; The Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection and Sanctuaries Act.
- m. **Local Discharge Limits:** Those limitations developed by Manatee County to implement any general or specific prohibitions set forth in 62-625 F.A.C. or to satisfy any other discharge requirement imposed upon the County by the EPA, FDEP, or Local Agency.
- n. **Medical Wastes:** isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- o. **Monthly Average:** The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).
- p. **Pass Through:** A discharge which exits any of Manatee County's wastewater treatment plants into waters of the United States or effluent reuse system 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 Manatee County's FDEP permits, including and increase in the magnitude or duration of a violation.
- q. **Permittee:** A person who has a discharge permit.
- r. **Person:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal

entity; or their legal representatives, agents or assigns. This definition includes all Federal, State, and Local Governmental entities.

- s. Publicly Owned Treatment Works (POTW): A treatment works which is owned by a state, municipality, city, town, special sewer district or other publicly owned and financed entity as opposed to a privately (industrial) owned treatment facility. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of a municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality (public entity) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- t. Septic Tank Waste (Septage): Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- u. Sewage: Human excrement and gray water (household showers, dish washing operations, etc.)
- v. Storm Water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- w. Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance and lack thereof.
- x. Weekly Average: The arithmetic mean of the values for effluent samples collected over a period of seven (7) consecutive days.

2. SEVERABILITY:

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

3. DUTY TO COMPLY:

The permittee shall comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief and summary abatements.

4. DUTY TO MITIGATE:

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. PERMIT MODIFICATION:

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
- c. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. Information indicating that the permitted discharge poses a threat to Manatee County's

- treatment systems, POTW personnel or the receiving waters.
- e. Violation of any terms or conditions of the permit.
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required report.
- g. Revision of or a grant of variance from such categorical standards pursuant to Chapter 62-625 (F.A.C.).
- h. To correct typographical or other errors in the permit.
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator.
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. PERMIT TERMINATION:

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports.
- b. Tampering with County monitoring equipment.
- c. Refusing to allow timely access to the facility premises and records.
- d. Failure to meet effluent limits.
- e. Failure to pay fines.
- f. Failure to pay sewer charges.
- g. Failure to meet compliance schedules.

7. PERMIT APPEALS:

The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice.

This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of this permit shall not be stayed pending reconsideration by the Board. If, after considering the petition and any arguments put forth by the Director, the Board determines that reconsideration is proper, it shall remand the permit back to the Director for reissuance. Those permit provisions being reconsidered by the Director shall be stayed pending reissuance.

A Board of Director's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

8. PROPERTY RIGHTS:

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State or local laws or regulations.

9. LIMITATION ON PERMIT TRANSFER:

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director.

- a. The permittee must give at least thirty (30) days advance notice to the Director.
- b. The notice must include a written certification by the new owner which:
 - i. States that the new owner has no immediate intent to change the operations and

- processes.
- ii. Identifies the specific date on which the transfer is to occur.
- iii. Acknowledges full responsibility for complying with the existing permit.

10. DUTY TO REAPPLY:

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least 60 days before the expiration date of this permit.

11. CONTINUATION OF EXPIRED PERMITS:

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

12. DILUTION

The permittee shall not increase the use of potable or process water or in any way attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

13. COMPLIANCE WITH APPLICABLE PRETREATMENT STANDARDS AND REQUIREMENTS:

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal standards and requirements, including any such standards or requirements that may become effective during the term of this permit.

14. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS:

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

15. DUTY TO HALT OR REDUCE ACTIVITY

Upon reduction of efficiency of operation or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies for example, when the primary source of power of the treatment facility fails or is reduced. 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.

16. BYPASS OF TREATMENT FACILITIES

- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
- b. The permittee may allow bypass to occur which does not cause effluent limitations to be

exceeded but only if it is also for essential maintenance to assure efficient operation.

c. Notification of bypass:

- i. Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior written notice at least ten (10) days before the date of the bypass to the Director.
- ii. Unanticipated bypass: The permittee shall immediately notify the Director and submit within five (5) days a written notice. The report shall include at a minimum (1) a description of the bypass and its cause including its duration; (2) whether the bypass has been corrected; and (3) the steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

17. REMOVED SUBSTANCES

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Florida Administrative Code Chapter 62-625.

B. MONITORING AND RECORDS

1. ANALYTICAL METHODS TO DEMONSTRATE CONTINUED COMPLIANCE:

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in Florida Administrative Code Chapter 62-160 (F.A.C.) and amendments thereto.

2. REPRESENTATIVE SAMPLING

Samples and measurement take, as required herein, shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment use for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall be changed without notification to and the approval of the Director.

3. FLOW MEASUREMENTS

If flow measurements are required by this permit, the appropriate flow measurement devices and method consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 % from true discharge rates throughout the range of expected discharge volumes.

4. ADDITIONAL MONITORING BY THE PERMITEE:

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures identified in Section B.1, the results of this monitoring shall be included in the permittee's self-monitoring reports.

5. INSPECTION AND ENTRY:

The permittee shall allow the Manatee County Utility Operations Department, or the State of Florida, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
- e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored or be discharged to the sewer system.

6. RETENTION OF RECORDS

- a. The permittee shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- b. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by Manatee County Government shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals, have expired.

7. RECORD CONTENTS

Records of sampling and analysis shall include:

- a. The date, exact place, time and methods of sampling or measurements and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements;
- c. The date(s) analysis was performed;
- d. Who performed the analysis;
- e. The analytical techniques;
- f. The results of such analysis;
- g. The laboratory certification number.

8. FALSIFYING INFORMATION

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

C. ADDITIONAL REPORTING REQUIREMENTS :

1. PLANNED CHANGES

The permittee shall give notice to the Director ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge.

2. ANTICIPATED NONCOMPLIANCE:

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. OPERATING UPSETS

- a. Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with Manatee County Sewer Use Ordinance 05-69 shall inform the Director within twenty four (24) hours of

becoming aware of the upset. During normal business hours (Monday – Friday 08:00 a.m. – 05:00 p.m.) at **795-3436** or after 05:00 p.m. M-F, weekends and holidays at **704-0878**.

- b. A written follow-up report of the upset shall be submitted by the permittee with the Director within five (5) days. The report shall include:
 - i. A detailed description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;
 - ii. The duration of the noncompliance including exact dates and times of noncompliance and if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.
- c. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.
- d. A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

4. AUTOMATIC RESAMPLING:

If the results of the permittee's wastewater analysis indicate a violation has occurred, the permittee must notify the Director within twenty four (24) hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit in writing the results of the repeat analysis within thirty (30) days after becoming aware of the violation.

5. DUTY TO PROVIDE INFORMATION:

The permittee shall furnish to the Director, within 30 days, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the Director, within 30 days, copies of any records required to be kept by this permit.

6. SIGNATORY REQUIREMENTS:

All applications, reports, or information submitted to the Director must contain the following certification statement and be signed as required in Sections (a), (b), (c) or (d) below:

"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 fines and imprisonment for knowing violations."

- a. By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - i. 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;
 - ii. The manager of one or more manufacturing, production, or 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.

- b. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- c. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user submitting the reports is a Federal, State or local government entity, or their agents.
- d. By a duly authorized representative if:
 - i. The authorization is made in writing by the individual described in Paragraph (a), (b) or (c);
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - iii. The written authorization is submitted to the Director.
- e. If an authorization under Paragraph (d) of this section is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of Paragraph (d) of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

D. PENALTIES AND ENFORCEMENT ACTIVITIES

1. ANNUAL PUBLICATION:

A list of all industrial users which were subject to enforcement proceedings during the twelve (12) previous months shall be annually published by the Director in the largest daily newspaper within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

2. CIVIL AND CRIMINAL LIABILITY:

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Sewer Use Ordinance 05-69.

3. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS:

Sewer Use Ordinance 05-69 provides that any person who violates a permit condition is subject to a civil penalty of at least \$2,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of up to \$2,000 per day of violation, or by imprisonment for 60 days or both. The permittee may also be subject to sanctions under State and/or Federal law.

4. RECOVERY OF COSTS INCURRED:

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or Sewer Use Ordinance 05-69 or causing damage to or otherwise inhibiting the Manatee County Utility Operations Department wastewater disposal system shall be liable to the Manatee County Utility Operations Department for any expense, loss or damage caused by such violation or discharge. The Director shall bill the permittee for the costs incurred by the Manatee County Utility Operations Department for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of Sewer Use Ordinance 05-69.

5. NOTIFICATION OF VIOLATION:

Whenever the Director finds that the permittee has violated or is violating any provision of this permit, the Director may serve upon said permittee written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a written plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the permittee to the Director. Submission of this plan in no way relieves the permittee of liability for any violations occurring before or after receipt of the notice of violation.

6. CONSENT ORDERS:

The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user responsible for the noncompliance. Such orders will include compliance schedules, surcharges or remedial actions, and signatures of the authorized representative of the user and the Director.

7. SHOW CAUSE ORDER:

The Director may order any industrial user which causes or contributes to a violation of this Ordinance to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served by certified mail at least ten (10) days prior to the hearing.

8. COMPLIANCE ORDER:

When the Director finds that the permittee has violated or continues to violate this permit, he may issue an order to the permittee directing that, following a specified time period, discharge privileges shall be discontinued until compliance is achieved.

9. CEASE AND DESIST ORDERS:

When the Director finds that the permittee has violated or continues to violate this permit, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the cease and desist order may be used to suspend or permanently revoke the Industrial User Discharge Permit. The cease and desist order may order the permittee to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

10. ADMINISTRATION SURCHARGES:

Notwithstanding any other section of this permit, if the permittee is found to have violated any provision of this permit, or the Sewer Use Ordinance or of orders issued hereunder shall be charged an amount not to exceed two thousand dollars (\$2,000.00) per day of violation. Such assessments shall be added to the permittee's next scheduled sewer service charge.

11. EMERGENCY SUSPENSION:

The Director may suspend an Industrial User Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environment. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shall allow the user to recommence its discharge when the endangerment has passed. An industrial user who is responsible, in whole or in part, for imminent endangerment shall submit a written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the Director.

12. SURCHARGES TO BE ADDED TO UTILITY BILLING:

Any surcharges provided for in this permit may, at the discretion of the Director, be added to the permittee's monthly utility billing.

13. ENFORCEMENT - JUDICIAL REMEDIES:

If the permittee discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this permit or of SUO 05-69, or any order or permit issued hereunder,

the Director, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Manatee County.

14. INJUNCTIVE RELIEF:

Whenever the permittee has violated or continues to violate the provisions of this permit or of SUO 05-69, or of any permit, or of orders issued hereunder, the Director, through the County Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the permittee.

15. CIVIL PENALTIES:

Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be subject to a civil penalty of not more than two thousand dollars (\$2,000.00) plus actual damages incurred by Manatee County, per violation, per day, as long as the violation continues. In addition to the above-described penalty and damages, Manatee County may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses. The Director shall petition the court to impose, assess, and recover such sums. In determining amounts of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor that justice requires.

16. CRIMINAL PROSECUTION:

Any industrial user who willfully violates any provision of this permit or of SUO 05-69, or any orders or permits issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars (\$2,000.00) and/or imprisonment in the County jail of up to sixty (60) days. Each day of a continuing violation shall be deemed a separate and distinct violation.

17. ADMINISTRATIVE HEARINGS:

Any administrative surcharges provided for in this permit or in SUO 05-69 shall be imposed only after the following hearing procedure has been complied with:

- a. The Director shall provide the alleged violating user with written notification of the specific violation(s) and the applicable section(s) of this permit and or SUO 05-69.
- b. The notification provided in subsection (a) above shall inform the alleged violating user of a date and time for an administrative hearing, which hearing shall occur no earlier than ten (10) days after the violator's receipt of the notification.
- c. The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.
- d. The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.
- e. If the alleged violating user is represented at the hearing by counsel, the Director shall likewise be represented by the Office of the County Attorney.
- f. The Director shall issue written findings as soon after the hearing as is practical.
- g. The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCUOD no later than ten (10) days after the violator's receipt of the Director's written findings.

MANATEE COUNTY INDUSTRIAL PRETREATMENT PROGRAM

AUTHORIZATION OF APPROVED REPRESENTATIVE

Industrial User Name _____

Address _____

Discharge Permit No. _____

Date _____

To: Manatee County Utility Operations Department, Industrial Compliance Section

I, _____, hereby certify that I am responsible officer, manager, general partner or proprietor of the above-named company and that I am in charge of principal business function and am able to perform policy and decision-making functions for the company.

I hereby duly authorize _____, whose signature also appears below to be my representative. I authorize my representative to sign all industrial pretreatment certification statements on my behalf.

Signed _____
Title _____

Signature of Authorized Representative _____

Title of Representative _____

MANATEE COUNTY INDUSTRIAL PRETREATMENT PROGRAM

CERTIFICATION STATEMENT

This statement **MUST** be attached to each and every periodic compliance report and must be signed by an authorized responsible person of the discharging company.

Industrial User Name _____

Address _____

Discharge Permit No. _____

Date _____

“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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed 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 fines and imprisonment for knowing violation.”

Signed _____

Title _____