



Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Mimi A. Drew
Secretary

STATE OF FLORIDA STORM WATER FACILITY PERMIT

PERMITTEE:

Beazer East, Inc. – Gainesville, Florida
Oxford Center, Suite 3000
Pittsburg, PA 15219

PERMIT NUMBER: FLS711462 (Minor)
FILE NUMBER: FLS711462-002-ISW
ISSUANCE DATE: **DRAFT**
EXPIRATION DATE: *5 years from issuance*

RESPONSIBLE OFFICIAL:

Mr. Robert Markwell
President
(412) 208 - 8812

DRAFT - dated **2/4/2011**

FACILITY:

Beazer East, Inc.
200 NW 23rd Avenue
Gainesville, Florida 32609
Alachua County

Latitude: 29° 40' 56.84" N Longitude: 82° 19' 30.51" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.) and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. This permit does not constitute authorization to discharge water other than as expressly stated in this permit. This permit is accompanied by an Administrative Order, pursuant to paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Administrative Order, AO 146 NE, is a specific requirement of this permit. The above named permittee is hereby authorized to construct and operate the facility in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

The permittee is implementing a range of actions to remediate this Superfund Site. Storm water on the site is discharged as a result of contact with existing soils and sediment. The interim storm water controls for the discharge were implemented in October – December 2010 for storm water discharge from this site. The interim controls are designed to mitigate potential migration of constituents via storm water during the period between now and when a final storm water management plan is implemented. A final storm water management plan will be developed as part of the Superfund remedial design for the final site remedy and implemented pursuant to state and federal regulations and requirements.

The facility has no current or planned industrial activity and thus does not discharge any process or non-process wastewater. The facility is not permitted to discharge industrial wastewater to waters of the state. This permit authorizes discharge of storm water associated with site activity, after specified rainfall events, to a ditch which connects to Springstead Creek, Class III fresh water. This permit authorizes only storm water discharge from one location on this site (designated as D-001).

This location is a regulated EPA Superfund site.

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STORM WATER CONTROLS:

Storm water from this 86 acre site is conveyed by overland flow and sheet flow by gravity to an existing on-site ditch. Site improvements include grass cover, perimeter berms and dedicated swales to direct on-site flows to the main on-site ditch that runs generally South to North.

Interim Improvements and Actions:

I. Construction Activities

- Root rake-disking hardened bare-ground areas and associated seeding and mulching to facilitate improved vegetation stabilization. Root raking-disking is limited to only hardened soil in the bare-ground areas that needs some preparation; only the top few inches of soil are disturbed. During this operation, a water truck and sprayer are used to keep the ground moist to prevent generation of dust. Seeding occurs as quickly as practicable after root raking-disking. Seeding consists of a hydro-mulch application so that the seed is protected by mulch covering to help hold the seed in place and prevent weed promulgation during the root establishment phase. Bahia (*Paspalum notatum*) grass seed is used.
- Construction of sod-covered interceptor swales and containment berms to provide storm water routing and treatment prior to discharge via the main drainage ditch. The final dimensions of the berms will be determined based on their effectiveness in limiting storm water discharge to the D-001 outfall, as confirmed by operation, maintenance, inspections and monitoring during storm water events. If berm controls are not effective, modifications to the berms will be proposed to DEP and implemented upon approval. Berms will be landscaped to facilitate improved vegetation stabilization.
- Additional silt fencing will be installed around the perimeter of the site modifications to inhibit erosion, sediment migration and will be maintained as necessary.
- Placement of mulch over site roads and interior roadways to limit sediment and dust discharge.
- Construction of sodded containment berms (using clean off-Site soil) to impound 1.5 acre-ft of run-off and reduce off-site discharge of sediment in storm water run-off.
- Construction of sodded interceptor swales adjacent to the Florida Department of Transportation (FDOT) drainage ditch that bisects the Site. Sod includes Bahia (*Paspalum notatum*). During swale construction, soil is moved only a short distance to create the depressions and a small berm adjacent to the swale (between the swale and ditch).

II Operation and Maintenance

- Weekly inspection and maintenance of all interim controls (including the composite sampler) shall be conducted to ensure stabilization and effective storm water control.
- Invasive exotic plant control is required in seeded and sodded areas.
- As necessary, grass cover will be maintained through irrigation, reseeding, and/or application of sod. Appropriately selected fertilizer will be applied if necessary. Use of treated on-site reclaimed water (or water from on-site irrigation wells) may be used for irrigation and/or dust control provided the water meets primary and secondary drinking water standards (Rule 62-550 FAC). Irrigation effectiveness will be evaluated and any modifications must be proposed to DEP and implemented upon approval (see permit section VI).

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- If/as necessary, the northeast corner of the site will be re-graded and seeded to ensure that runoff does not leave the site except via the main drainage ditch at the outfall (D-001).
- Demolition activities on-site that create new bare areas that are not currently present will be disked and seeded in accordance to the specifications above. Long-term maintenance of those areas will be required.
- New or required site construction activities as part of remediation plans must be evaluated for surface stormwater effects and potential changes to operation and maintenance of the site. Changes may be necessary for storm water controls and may be required for construction, operation or maintenance.

III. Evaluation and Modification – Adaptive Management

- The overall effect of the interim site modifications will result in stabilization of the site soil, reduction of compacted limerock/dirt areas, and on-site impoundment of surface run-off during storms. The interim site modifications will reduce the volume of storm water run-off that exits the site during any storm event. The modifications will decrease the amount of off-site sediment transport, reducing the potential for discharge of site-related constituents.
- Berms will be lengthened and modified if/as needed to prevent storm water flow across the eastern property boundary or northern boundary, except at outfall D-001. The outfall structure will be improved to accommodate sampling. Silt fencing may be installed and maintained as necessary to control sediment.
- Long-term viability of the sod and seeded areas will be evaluated through weekly inspections. If at any time a stand of grass or an area that was stabilized loses stabilization integrity due to natural or artificial conditions or activities, replacement sod or seeding (as appropriate) will be used to correct the deficiency and follow all the protocols.
- Quarterly water quality reports and quarterly storm water site evaluation reports are required for the duration of this permit. Reports will include an effectiveness evaluation of the interim storm water improvements, operation status and propose any needed corrective actions.
- Unconfined emissions and unconfined particulate matter will be controlled by Best Management Practices (BMP). During implementation of any future storm water related improvements or corrective actions such as root raking, berm construction, or other earth work, control measures will be in place to effectively control dust from leaving the property and air monitoring will be conducted.
- The interim storm water control measures must be properly operated and maintained. This location is a regulated Superfund site. The final storm water improvement plan will be developed in accordance with state and federal requirements and regulations as part of the Superfund remedial design for the final site remedy, and will be implemented as part of the EPA Superfund remedy.

STORM WATER DISCHARGE LOCATION:

Storm Water Discharge D-001: An existing permitted discharge from the site to a ditch that connects to Springstead Creek Class III Fresh Waters, (WBID 2698; Orange Creek Planning Unit, Hogtown Creek Basin). The point of discharge is located approximately at latitude 29°40' 55" N, longitude 82°19' 30" W. See attached "Map of Discharge Location and Ambient Sample Locations".

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 20 of this permit.

I. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges (Final Limitations)

1. The permittee shall not discharge process wastewater into any waters of the State.
2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-001, the overflow, to a ditch then to Springstead Creek. Such discharge shall be limited and monitored by the Permittee as specified below:

Parameter	Units	Max/ Min	Discharge Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max	Report	Daily Maximum	Quarterly, when discharging	Calculated	STM-1	See I.A.11
pH	s.u.	Min Max	6.0 8.5	Daily Minimum Daily Maximum	Quarterly, when discharging	Grab*	STM-1	See I.A.11
Turbidity	mg/L	Max	Report	Daily Maximum	Quarterly, when discharging	Grab*	STM-1	See I.A.11
Dissolved Oxygen	mg/L	Min	Report	Daily Minimum	Quarterly, when discharging	Grab*	STM-1	See I.A.11
Iron, Total Recoverable	ug/L	Max	1000	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.11
Hardness	mg/L	Max	Report	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.9 & I.A.11
Copper, Total Recoverable	ug/L	Max	Report Calculated Value	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.9 & I.A.11
Arsenic, Total	ug/L	Max	50	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.11
Chromium, Trivalent	ug/L	Max	Report Calculated Value	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.10 & I.A.11
Pentachlorophenol (PCP)	mg/L	Max	Report Calculated Value	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.11 & I.A.12
Chromium, Total Recoverable	ug/L	Max	Report	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.10 & I.A.11
Dioxin/Furans	pg/L	Max	Report	Daily Maximum	Quarterly, when discharging	Composite	STM-1	See I.A.11
Total Polycyclic Aromatic Hydrocarbons (PAH)	mg/L	Max	0.031	Annual Average	Quarterly, when discharging	Composite	STM-1	See I.A.11
Days of Discharge	Days	Max	Report	Annual Maximum	Quarterly	Calculated	STM-1	See I.A.4
Ambient Stream Monitoring	See specific condition I.B.11							

* field measurement (in-situ) at the time of storm water discharge and sample collection

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- 3. Storm water samples shall be taken at the monitoring site locations listed in permit Condition I.A.2 and as described below:

Monitoring Site Number	Description of Monitoring Site
STM-1	Overflow weir (D-001) at outfall located at the northeast corner of the property. See attached "Map of Discharge Location and Ambient Sample Locations"

- 4. During normal conditions, discharge of storm water from Outfall D-001 is authorized after rainfall events. Recording of the days of discharge by meter, composite sampler or other device is required.
- 5. Composite samples will be collected via auto-sampler of the discharge through outfall D-001. Composite samples will be collected in accordance with the DEP approved interim storm water sampling plan (see specific condition VI.).
- 6. Monitoring at Outfall D-001 is not required in the event that flow (as defined in specific condition I.A.11) and discharge does not occur at that location during a quarter.
- 7. In accordance with the criteria of Rule 62-302.500 FAC, once the final storm water control system is in place, there shall be no discharge of floating solids or visible foam in other than trace amounts.
- 8. In accordance with the criteria of Rule 62-302.500 FAC, once the final storm water control system is in place, the discharge shall not cause a visible sheen on the receiving water.
- 9. The limit for "Copper, Total Recoverable" shall be calculated using the following equation(s):

$$Cu \leq e^{(0.8545[\ln H]-1.702)}$$

Total hardness shall be measured at the time of the storm water sample. The "ln H" means the natural logarithm of total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L.

The measured storm water value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable (storm water)." The calculated storm water limit shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable (calculated limit)." Compliance with the storm water limitation is determined by calculating the difference between the measured storm water value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Copper, Total Recoverable (storm water minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(23)]

- 10. The limit for "Chromium, trivalent" shall be calculated using the following equation(s):

$$Cr \leq e^{(0.819[\ln H] +0.6848)}$$

The sample is measured as total recoverable Chromium. Total hardness shall be measured at the time of the storm water sample. The "ln H" means the natural logarithm of total hardness expressed as mg/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is <25 mg/L and set at 400 mg/L if actual hardness is >400 mg/L.

The measured storm water value shall be recorded on the DMR in the parameter row for "Chromium, Trivalent (storm water)." The calculated storm water limit shall be recorded on the DMR in the parameter row for "Chromium, Trivalent (calculated limit)." Compliance with the storm water limitation is determined by calculating the difference between the measured storm water value and the calculated. The

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compliance value shall be recorded on the DMR in the parameter row for "Chromium, Trivalent (storm water minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(19)(a)]and [62-302.500(2)(d)]

11. Storm water sampling will be conducted on a quarterly basis during the first qualifying storm event of the quarter occurring on a normal workday. Depending upon the parameter analysis method and sample SOP, a grab or a composite sample may be required and the sampling SOP is subject to revision and update.

A qualifying storm event is one that:

- (a) Is greater than 0.1 inches in magnitude;
- (b) Produces measurable runoff in the ditch at Outfall D-001; and
- (c) Occurs at least 72 hours after the previous qualifying storm

A composite sample will be collected at Outfall D-001 within 30 minutes of a discharge at the outfall. Grab samples will be collected at the other sample locations (ambient sites) and approximately at the same time or as soon as practicable after collection of the sample at Outfall 1.

The automatic composite sample collection device will be installed at Outfall D-001 in order to collect a flow-weighted composite sample for analysis. The sampler will measure water flow and will draw storm water into container(s) for analysis after specified volume of flow has occurred; water collection will continue for up to three hours after the beginning of flow. An alternative approved sampling plan using grab (in-situ field measurement), flow-proportioned or time proportioned composite sampling must be approved by the DEP. Sample results will be compared to 62-302 FAC standards in the sample-analysis reports submitted to FDEP (see specific conditions I.B.1 through I.B.12).

12. Rule 62-302.530(52)(c)3 FAC, has Class III fresh water criteria for Pentachlorophenol (PCP) of less than or equal to 30 ug/L maximum, less than or equal to 8.2 ug/L annual average, and with the value of pH for the sample, less than or equal to $e^{(1.005[\text{pH}] - 5.29)}$.

B. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and discharge limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

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When the analytical results are below method detection or practical quantitation limits, the Permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

2. The Permittee shall provide safe access points for obtaining representative storm water samples which are required by this permit. [62-620.320(6)]
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) (for the outfall discharge, D-001) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below:

REPORT Type on DMR	Monitoring Period	Due Date
Quarterly	January 1 - March 31	April 28
	April 1 - June 30	July 28
	July 1 - September 30	October 28
	October 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including periods of no discharge. The permittee may submit either paper or electronic DMR form(s). If submitting paper DMR form(s), the permittee shall make copies of the attached DMR form(s). If submitting electronic DMR form(s), the permittee shall use a Department-approved electronic DMR system.

The electronic submission of DMR forms shall accepted only if approved in writing by the Department. For purposes of determining compliance with this permit, data submitted in electronic format is legally equivalent to data submitted on signed and certified DMR forms.

The permittee shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the period of operation at the addresses specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

[62-620.610(18)]

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted (may be electronically submitted) to or reported to the Northeast District Office at the address specified below:

Northeast District Office, NPDES Compliance
7825 Baymeadows Way, Suite 2008
Jacksonville, FL 32256-3303

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Phone Number - 904-256-1700

FAX Number - (904) 448-4366 (All FAX copies shall be followed by original copies.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. Any bypass of the outfall (D-001) which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.
7. The permittee shall not store materials, soil, or other similar erodible materials in a manner in which runoff is uncontrolled, nor conduct construction activities in a manner which produces uncontrolled runoff unless such uncontrolled runoff is specifically approved by the permitting authority. Sediment removal during operation and maintenance activities will be managed in accordance with the latest editions of DEP Guidance documents concerning contaminated media (Chapter 62-780 FAC).
8. Surface water sampling shall be conducted in accordance with the latest approved sampling and monitoring plan submitted to the DEP Jacksonville, Wastewater Permitting Section. Surface water quality sampling shall be conducted when a discharge occurs (once per quarter) from Outfall D-001. Sites shall be sampled for the following parameters and report the monitoring results on the DEP discharge monitoring form (DMR).

SITE NUMBER	DESCRIPTION
SWU-1	Upstream, at inflow point of the DOT storm water ditch, NW 23 rd Avenue, southern property area
SWD-1	Springstead Creek downstream from the drainage ditch intersection (800 feet downstream from outfall STM-1)

See attached "Map of Discharge Location and Sampling Locations". At the two ambient sites, the permittee shall (a) calculate flow; (b) measure pH, turbidity, and dissolved oxygen, and (c) collect grab samples for analysis of the following parameters:

PCP	
PAH	Total suspended solids
Total recoverable copper	Hardness
Total Recoverable Iron	Trivalent Chromium
Total Recoverable Arsenic	Total Recoverable Chromium

The samples shall be collected on a quarterly basis and concurrently with the quarterly storm water samples listed in condition I.A.2. All samples shall be collected at mid-depth. The results shall be forwarded to the Northeast District Office at the address specified in Specific Condition I.C.7&10.

Laboratory analytical reports for the monitoring event(s) shall be submitted to the Department. The Department will review the data in the context of the reopener clauses in Section VII.2.h of this permit.

9. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. [62-620.610(18)]

II. SLUDGE MANAGEMENT REQUIREMENTS

1. This section is not applicable to this facility.

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III. GROUND WATER REQUIREMENTS

1. The ground water requirements including remediation will be addressed under the EPA Superfund remedy in accordance with state and federal rules and regulations.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

1. This section is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

A. General Operation and Maintenance Requirements

1. During the period of operation authorized by this permit, the facilities (the site) shall be operated under the supervision of a person who is qualified by this permit, the facilities (the site) shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Records of all disposal of vegetation and materials removed from storm water facilities (e.g., ditches, swales, impoundments).
 - e. A copy of the current permit;
 - f. A copy of any required record drawings; and
 - g. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

3. Weekly site inspections will be conducted and a site inspection report maintained at the location as a permanent record. In addition to the weekly inspection, a site inspection is required after each rainfall event of 0.25 inches or greater.
4. A Best Management Plan (BMP) will be maintained, up to date and available on-site and is a part of the SWPPP, covering the following aspects:
 - a. Inspection procedures for site areas including demolition areas
 - b. Dust control
 - c. Grass growth: planting, watering, sodding, seeding and mulching practices
 - d. Root-rake/disc practices
 - e. Berm maintenance with clean soils based on approved soil specifications
 - f. Documentation of inspections, inspection results, recommendations for improvements, corrective actions and outcome evaluations.

5. Ambient Dust Monitoring

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The permittee shall provide ambient air monitoring and follow an emission control plan during any storm water related improvement or corrective action that may generate dust (e.g., root raking, earth work). Unconfined emissions and unconfined particulate matter will be controlled by Best Management Practices (BMPs). Control measures must be in place to effectively control dust from leaving the property and air monitoring will be conducted to ensure that activities at the site will not exacerbate existing conditions or result in public exposure to pollution via airborne dust, pursuant to 403.161, Florida Statute.

- a. **Unconfined Emissions/Particulate Matter**: The owner or operator shall take reasonable precautions to control unconfined emissions from the site for storm water related improvements/activities such as root rake-disking, berm construction, swale construction, etc. Management of emissions may include, but are not limited to, one or more of the following:
- i. Paving and maintenance of roads, parking areas, and yards.
 - ii. Application of water or environmentally safe dust-suppressant chemicals when necessary to control emissions.
 - iii. Removal of particulate matter from roads and other paved areas under control of the owner or operator to mitigate reentrainment, and from building or work areas to reduce airborne particulate matter.
 - iv. Installation of wind breaks to mitigate wind entrainment of particulate matter from stockpiles.
 - v. Ambient air monitoring is required during any site work involving earth moving activities including excavation or root-raking where airborne contaminated dust has the potential to be generated.

[Rule 62-296.320, F.A.C.]

- b. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of material; construction, alteration, demolition or wrecking; or industrially activity such as loading, unloading, excavation, storing and handling; without taking reasonable precaution to prevent such emissions. Reasonable precautions may include but are not limited to the following, as necessary:
1. Reduced speed for vehicular traffic.
 2. Use of dust suppressants or wetting agents.
 3. Use of paving or other asphaltic materials.
 4. Removal of particulate matter from paved roads and/or other paved areas by vacuum cleaning or wetting prior to sweeping.
 5. Covering of trucks, trailers, front-end loader and other vehicles or containers to prevent spillage of particulate matter during transport.
 6. Use of mulch, hydro seeding, grassing and/or other vegetative ground cover on barren areas to prevent or reduce particulate matter from being windblown.
 7. Use of equipment to contain, capture and prevent particulate matter.
 8. Enclosure or covering of conveyor systems.
 9. Site activities must be restricted when the wind speed is greater than 15 mph unless the facility uses some type of confining structure or equipment to minimize or reduce the release of particulate matter.

[Rule 62-620.100, 62-620.200 and 62-620.310, F.A.C.]

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Storm water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

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Improvement Action	Completion Date
a. Submit Initial Storm Water Sampling Plan.	No later than Permit issuance
b. Complete development and implementation of updated SWPPP. Complete development and implementation of Storm Water Sampling Plan.	3 months after issuance
c. Submit Notice of Completion of Construction, Form 62-600.900(10) for all interim storm water improvements	3 month after issuance
d. Submit topographical survey for the site once interim improvements have been certified complete.	4 months after issuance
e. Complete SWPPP Summary (see VII.2.f)	Annually after issuance
f. Submit report on irrigation and on-site water reuse system. Water from the Site groundwater extraction and treatment system may be used for on-site irrigation and/or dust suppression provided that the permittee can demonstrate to FDEP that this water meets Florida Drinking Water Standards (62-550 FAC). Permittee may use treated or untreated water for irrigation and/or dust control only after FDEP approval of a permittee-submitted plan for water reuse that includes a source description, treatment details (if any), laboratory analyses of water quality, and a monitoring plan.	12 months after permit issuance
g. Submit quarterly water quality and water quantity report for discharges and surface water site sampling. Include any ambient air monitoring results.	Every quarter for the duration of this permit
h. Submit Progress/Update Reports concerning the interim storm water improvements, operation status and air monitoring and emission controls. Propose any needed corrective action recommendations for DEP review and approval.	Every quarter for the duration of this permit

- An Administrative Order (AO 146 NE) is issued with this permit. The permittee shall achieve compliance with all other conditions of this permit.
- No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
- The permittee shall submit monitoring results in accordance with Specific Condition I.B.12, within three months, following collection of each sampling event for D-001.

VII. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. General Requirements

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

a. Definitions

- The term "pollutants" refers to conventional, non-conventional and toxic pollutants.

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- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (9) "SWPPP" means a Storm Water Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. Storm Water Pollution Prevention Plan

The permittee shall develop and implement a SWPPP for the facility, which is the source of storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

a. Signatory Authority & Management Responsibilities

The SWPPP shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The SWPPP shall be reviewed by the Site operation and maintenance personnel. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the SWPPP shall be signed and sealed by the professional(s) who prepared them.

A copy of the SWPPP shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The SWPPP shall contain a written statement from corporate management indicating management's commitment to the goals of the SWPPP/BMP program. Such statements shall be publicized or made known to all Site operation and maintenance employees and contractors. Training shall also be provided for the individuals responsible for implementing the SWPPP.

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b. SWPPP Requirements

- (1) A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
- (2) A site map showing:
 - (a) The storm water conveyance and discharge structures;
 - (b) An outline of the storm water drainage areas for each storm water discharge point;
 - (c) Paved areas and buildings;
 - (d) Historic or current areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
 - (e) Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
 - (f) Surface water locations and/or municipal storm drain locations;
 - (g) Areas of existing and potential soil erosion;
 - (h) Vehicle service areas;
 - (i) Material loading, unloading, and access areas;
 - (j) Past, existing and future waste disposal and remediation areas.
- (3) A narrative description of the following:
 - (a) The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - (b) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - (c) Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
 - (d) Industrial storm water discharge;
 - (e) Methods of onsite storage and disposal of significant materials;
 - (f) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
 - (g) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
 - (h) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
 - (i) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.
- (4) A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities that may exceed water quality standards for Class III fresh water.
- (5) An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
- (6) A summary of existing sampling data describing pollutants in storm water discharges.

c. Waste Minimization Assessment

The permittee is not required to conduct a waste minimization assessment (WMA) as this is not applicable.

d. Pollution Prevention Committee:

A pollution prevention committee or representative within the organization shall be responsible for developing the SWPPP and assisting the site manager in its implementation, maintenance, and revision.

e. Employee Training

- (1) The SWPPP shall describe the storm water employee training program for the facility. The description shall include the topics to be covered, such as spill response, good housekeeping and material management practices, and shall identify periodic dates (e.g., every 12 months during January) for such training. The permittee shall provide employee training for all employees and contractors that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for

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implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training shall inform facility personnel and contractors of the components and goals of the facility SWPPP.

- (2) Each employee and contractor that works in an areas where industrial materials or activities are exposed to storm water, and each employee that is responsible for implementing activities identified in the SWPPP shall undergo training at least once a year. Training records shall include trainee’s name, signature, date of training and topics covered. Records shall be retained on-site for a minimum of three years.

f. Plan Development & Implementation

- (1) The SWPPP shall be developed and implemented 3 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the SWPPP which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.
- (2) The personnel named in the SWPPP shall perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation shall be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from the visual observation requirement for that quarter, provided the permittee documents in their records that no runoff occurred. The permittee or designated individual shall sign and certify the documentation.
- (3) The personnel named in the SWPPP shall conduct visual observations on samples collected as soon as practical, but not to exceed 1 hour of when the runoff begins discharging from the facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation shall document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution.
- (4) The permittee shall maintain visual observation reports onsite with the SWPPP for a minimum of three years. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (5) At least once a year the personnel named in the SWPPP shall verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 1 year after the effective date of the permit, a summary of the SWPPP shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedule for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented.
- (3) A timetable for the various plan requirements follows:

Timetable for SWPPP Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete SWPPP	3 months
Complete SWPPP Summary	1 year
Progress/Update Reports	Annually

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

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h. Plan Review & Modification

If following review by the Department, the SWPPP is determined insufficient, the permittee will be notified that the SWPPP does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

The permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. [62-620.310(4)]
2. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Department's Northeast District Office, are made a part hereof.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.
4. The permittee shall provide verbal notice to the Department's Northeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Northeast District Office in a written report within 7 days of the sinkhole discovery. [62-620.320(6)]

B. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

This section is not applicable to this site.

[62-620.625(1)]

C. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (Month, Day, Year) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the permittee has made complete the application for renewal of this permit before the permit expiration date.

[62-620.335(1)-(4), F.A.C.]

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2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either
 - a. Within thirty days after the permittee has received a notice; or
 - b. Within thirty days after final agency action.

Failure to publish a notice is a violation of this permit.

D. Reopener Clauses

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable discharge standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the discharge standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit; or
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust discharge limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation or monitoring requirement.
3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1)]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in Subsection 403.087(6), 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)]
4. 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)]
5. 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

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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, reuse of reclaimed water, or residuals use or disposal 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)]

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. 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)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9)]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating 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 promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12)]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]

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14. 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)]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16)]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.

[62-620.610(17)]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

[62-620.610(18)]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19)]*

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20. The permittee shall report to the Department's Northeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the 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:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Northeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northeast District Office shall waive the written report.

[62-620.610(20)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. [62-620.610(21)]

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable

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engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- c. 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 Permit Condition IX. 20. 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.
 - d. 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 Permit Condition IX. 22.b.1 through 3 of this permit.
 - e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX.22.a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "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.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition IX.5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. 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)]

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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Melissa M. Long, P.E.
Water Facilities Administrator
Date _____