

431564

OFF 0971 FILED 003

GRANT OF EASEMENT

Exhibit A

THIS INDENTURE, made the 31st day of March 1986, between THE UNITED STATES OF AMERICA, herein called the Government, acting by and through the Department of the Navy, and THE CITY OF KEY WEST, FLORIDA, herein called the Grantee.

WHEREAS, the Government owns that certain real property identified as Fleming Key and Trumbo Point Annex, Naval Air Station, Key West, FL, herein called the Station, and

WHEREAS, the Grantee has requested an easement for the construction, installation, operation, maintenance, repair and replacement of a wastewater treatment plant and utility lines, herein called the Plant and Lines, on that portion of the Station hereinafter described, including ingress thereto and egress therefrom; and

WHEREAS, in accordance with 10 U.S.C. 2668 the Government has the authority to grant such easement; and

WHEREAS, as provided in 40 U.S.C. 319 the Government shall receive fair market value of said easement as a credit to be deducted from charges for Government's connection to the Grantee's proposed sewer system;

WHEREAS, the Secretary of the Navy has found that the grant of such easement on the terms and conditions hereinafter stated will not be incompatible with the public interest:

NOW THEREFORE, this Indenture witnesseth that, in consideration of a credit of SIX HUNDRED AND EIGHT THOUSAND AND NO/100 DOLLARS (\$608,000.00), said credit amount to be deducted from the connection charge or any other capital contribution which may be required of the Government to procure sewer service from the proposed City of Key West sewer system, the Government hereby grants to the said City of Key West, its successors and assigns, in perpetuity from the date hereof, an easement for the construction, installation, operation, maintenance, repair and replacement of a wastewater treatment plant and utility lines appurtenant thereto, together with ingress thereto and egress therefrom, such easement being on that portion of the Station hereinafter called the Premises, and described as follows:

A parcel of land in Township 67 South, Range 25 East, on Fleming Key, Monroe County, Florida, being more particularly described as follows:

COMMENCE at the U.S. Army Corps of Engineers Control Station Pier D-2, the coordinates of which are N 85,337.68 and E 233,429.18 based on U.S. Coast and Geodetic Survey Mercator Grid Coordinate System (East Zone) which has for its zero coordinate a point at latitude 24° 20' North and 500,000 feet west of Longitude 81° 00' West, THENCE N 75° 17' 14.5" E, 1,888.45 feet to THE POINT OF BEGINNING;

431564

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THENCE N 00o 00' 20" E, 379.77 feet;
THENCE N 45o 00' 33" E, 117.22 feet;
THENCE N 00o 01' 00" E, 314.87 feet;
THENCE N 44o 43' 06" W, 438.70 feet;
THENCE S 45o 16' 54" W, 621.17 feet;
THENCE S 56o 41' 13" E, 167.43 feet;
THENCE S 32o 11' 13" E, 380.00 feet;
THENCE S 42o 11' 23" E, 221.23 feet;
THENCE S 67o 00' 49" E, 191.32 feet
to THE POINT OF BEGINNING.

The above described parcel contains 10.145 acres, more or less, all as shown on map marked Exhibit "A" attached hereto and made a part hereof.

ALSO

A 25' wide strip of land in Township 67 South, Range 25 East, Monroe County, Florida, 12.5 feet on each side of the following described centerline:

COMMENCE at the U.S. Army Corps of Engineers Control Station Pier D-2, the coordinates of which are N 85,337.68 and E 233,429.18 based on U.S. Coast and Geodetic Survey Mercator Grid Coordinate System (East Zone) which has for its zero coordinate a point of latitude 24o 20' North and 500,000 feet West of longitude 81o 00' West; THENCE N 75o 17' 14.5" E, 1,888.45 feet;
THENCE N 00o 00' 20" E, 15.47 feet to THE POINT OF BEGINNING;

THENCE S 89o 59' 40" E, 52.78 feet;
THENCE S 82o 32' 33" E, 321.99 feet;
THENCE S 00o 00' 46" W, 417.38 feet;
THENCE S 11o 04' 30" W, 939.00 feet;
THENCE N 80o 33' 38" W, 431.36 feet;
THENCE S 09o 26' 22" W, 16.00 feet, more or less, to the northerly line of the housing authority of Key West property conveyed in deed book G-9, Page 406 of the public records of Monroe County, Florida, and the POINT OF TERMINUS.

Above described parcel contains 1.250 acres, more or less, all as shown on map marked Exhibit "B" attached hereto and made a part hereof

In further consideration of the granting of this easement, the Grantee agrees to construct a wastewater treatment facility on said land and, further, to offer the Navy 23% of the capacity of the facility and requisite appurtenances upon payment of a connection charge. This charge shall be computed by multiplying the aggregate cost of constructing the facility times 23%. In addition, upon said payment, the Grantee shall offer the Navy

wastewater services (under the existing contract, or a new contract to be negotiated) at a user charge rate that excludes debt service associated with the Wastewater Facilities Plan, March 1986 and the contract shall include all provisions consistent with Federal and Florida law. If agreement is not reached regarding the connection charge and user charge rate as above described, the Navy will pay for service, including Sigsbee Park, in accordance with the terms of its existing contract with the Grantee.

THIS EASEMENT is granted subject to the following terms and conditions:

1. In the event the Government and the Grantee fail to reach an agreement on the sewage service contract within one year from the date of this easement, the consideration cited above shall be paid immediately to the Government in cash, plus interest from the date of this easement. The interest rate per annum shall be the interest rate in effect which has been established by the Secretary of the Treasury pursuant to Public Law 92-41; 85 STAT 97 for the Renegotiation Board, as of the date the amount becomes due.
2. The grantee shall be responsible for obtaining any and all permits required in connection with the construction, operation, installation, maintenance, repair and replacement of the Plant and Lines, and shall comply with all Federal, State, County and local laws and regulations.
3. The Plant will be designed to allow unmanned operation for periods up to eight (8) hours. On-site personnel will be required to vacate the Plant during movement of ordnance, upon notice by the Commanding Officer, Naval Air Station, Key West, FL, or his designated representative.
4. The plant will be designed and constructed to withstand reasonable blast overpressures, including installation of shatter-proof windows. No occupied buildings or structures will be constructed within the Explosive Safety Quantity Distance (ESQD) arcs as identified by the Commanding Officer, Naval Air Station, Key West, FL.
5. The Grantee shall indemnify and save harmless the Government, its officers, agents, servants and employees from all liability under the Federal Tort Claims Act (62 Stat. 869,982; 28 U.S.C. Sec 2671, 2680) or otherwise, for death or injury to all persons, or loss or damage to the property of all persons resulting from the use of the premises by the Grantee, and the Government will be held harmless for damages caused by an ordnance incident, or otherwise.
6. The Plant and its grounds will be kept clear of extraneous material not required for Plant operations and all appropriate measures will be incorporated to reduce odor problems.
7. All work in connection with the construction, installation, operation, repair and replacement of the Plant and Lines shall be done without cost or expense to the Government, except for the prorata share of the connection charge or the Government's capital contribution which may be required, less the credit as above provided, to procure sewer service from

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the Grantee's sewer system in the event the Grantee and the Government enter into a sewage service contract. All construction will be in accordance with plans and specifications previously approved by the Commanding Officer, Southern Division, Naval Facilities Engineering Command.

8. The Grantee shall maintain the Premises, the Plant and the Lines in good conditions at all times, and shall promptly make all repairs thereto that may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the Plant and the Lines.

9. The Grantee's rights hereunder including ingress and egress shall be subject to such reasonable rules and regulations as may be prescribed by the Government to assure that the exercise of such rights will not interfere with Government activities at the Station.


10. Upon termination of this easement, the Grantee, at its expense, shall remove, to the extent requested by the Government, improvements installed or constructed hereunder, and shall restore the Premises to the same or as good a condition as that which existed prior to the exercise by the Grantee of its rights hereunder. Such restoration shall be done in a manner satisfactory to the Commanding Officer, Southern Division, Naval Facilities Engineering Command.

11. All or any part of this easement may be terminated upon failure by the Grantee to comply with any of its terms and conditions; upon abandonment of the rights granted herein; or upon nonuse of such rights for a period of two consecutive years.

12. The Government may use the Premises for any purpose that does not unreasonably interfere with the use and enjoyment by the Grantee of the rights granted by this easement.

IN WITNESS WHEREOF, the Government, acting through the Department of the Navy, has caused this instrument to be executed the day and year written first above.

WITNESS




Josephine Parker, City Clerk

CITY OF KEY WEST, FL

By


Tom Sawyer, Mayor

WITNESS

THE UNITED STATES OF AMERICA

By 
Contracting Officer

431564

OFF 0971 PASO 007
REC

STATE OF FLORIDA)
COUNTY OF MONROE)

Personally appeared before me, Tom Sawyer, Mayor, who being duly sworn, says that he, with Josephine Parker, saw the within named _____ sign and seal the foregoing Easement, accepting it on behalf of the City Of Key West, FL, and that said acceptance was authorized by Resolution No 86-86 dated March 20, 1986 of the Commissioners of the City of Key West, FL.

Lorna Marie Lionner

Sworn to before me this 21th day of March, 1986, Notary Public in and for the State of Florida.

My Commission Expires May 22, 1986
My commission expires _____

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

Personally appeared before me E. R. Nelson, Jr., who being duly sworn, says that he saw the within named W. M. Robinson, Jr. sign and seal the foregoing Grant of Easement, in behalf of the United States of America, and that he with Mary G. Hott witnessed the execution thereof.

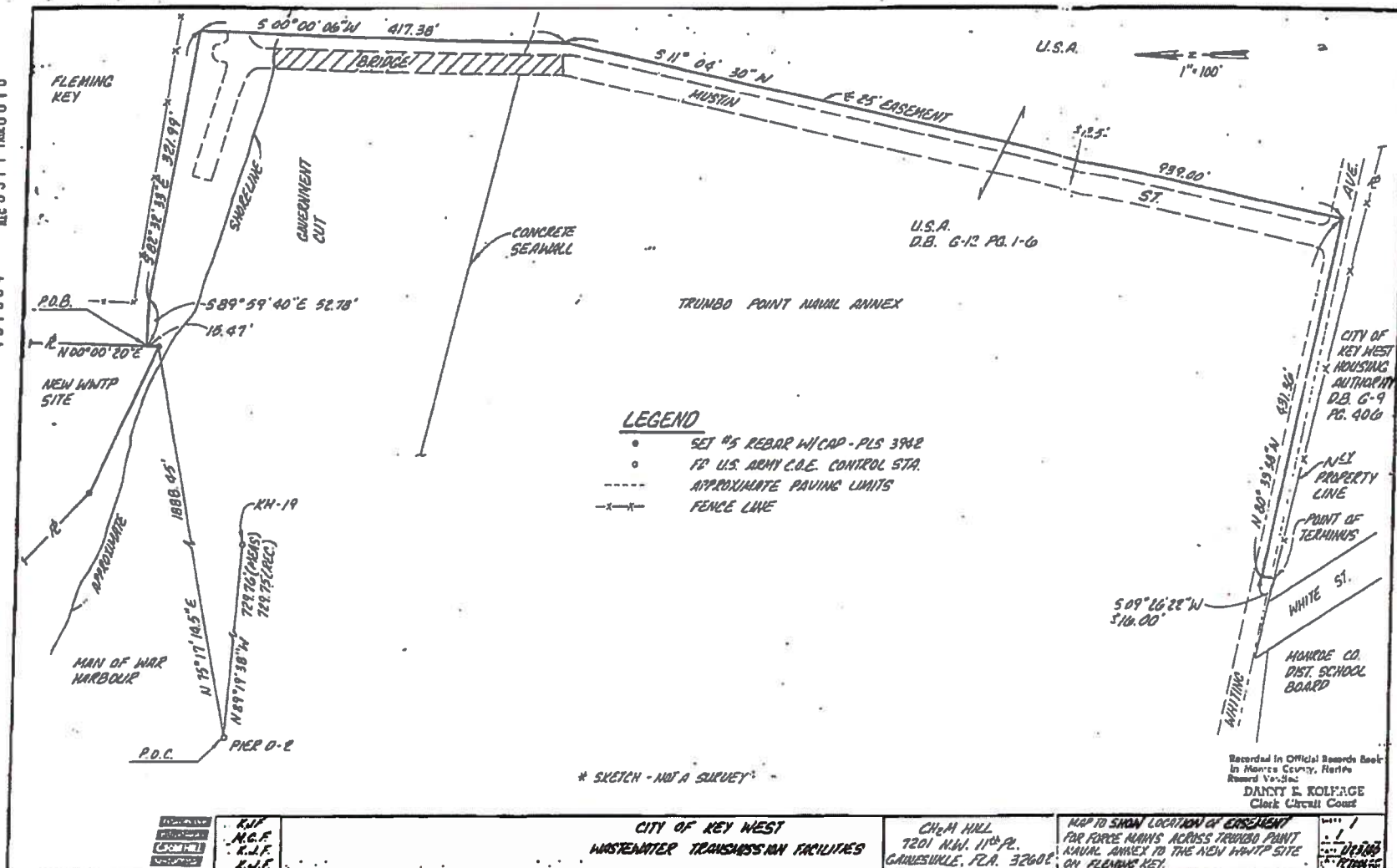
E. R. Nelson

Sworn to before me this 31st day of March, 1986,
Judith H. Owens, Notary Public in and for the State of South Carolina.

Judith H. Owens

MY COMMISSION EXPIRES 8-17-1994

431564 REC0971 PHE0016



AMENDMENT TO EXHIBIT A

NAVY EASEMENT

This section will be amended once the easement for the Deep Well Injection project has been approved and finalized.

EXHIBIT B
FACILITIES

The Facilities shall include the following:

1. All equipment, vehicles, grounds, facilities, and appurtenances thereto that will be in existence at the time of commencement of operation of the City's wastewater treatment facility on the property described as follows:

A parcel of land in Township 67 South, Range 25 East on Fleming Key, Monroe County, Florida, being more particularly described as follows:

COMMENCE at the U. S. Army Corps of Engineers Control Station Pier 0-2, the coordinates of which are N 85,337.68 and E 233,429.18 based on U. S. Coast and Geodetic Survey Mercator Grid Coordinate System (East Zone) which has for its zero coordinate a point at Latitude 24 20' North and 500,000 feet west of Longitude 81 00' West, THENCE N 75 17' 14.5" E. 1,888.45 feet to THE POINT OF BEGINNING;

THENCE N 00 00' 20" E, 379.77 feet;
THENCE N 45 00' 33" E, 117.22 feet;
THENCE N 00 01' 00" E, 314.87 feet;
THENCE N 44 43' 06" W, 438.70 feet;
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THENCE S 32 11' 13" E, 380.00 feet;
THENCE S 42 11' 23" E, 221.23 feet;
THENCE S 67 00' 49" E, 191.32 feet;
to THE POINT OF BEGINNING.

The above-described parcel contains 10.145 acres, more or less, all as shown on map marked Exhibit "A" attached hereto and made a part hereof.

ALSO

A 25' wide strip of land in Township 67 South, Range 25 East, Monroe County, Florida, 12.5 feet on each side of the following described centerline:

COMMENCE at the U. S. Army Corps of Engineers Control Station Pier D-2, the coordinates of which are N 85,337.68 and E 223,429.18 based on

U. S. Coast and Geodetic Survey Mercator Grid Coordinate System (East Zone) which has for its zero coordinate a point of Latitude 24 20' North and 500,000 feet West of Longitude 81 00' West; THENCE N 75 17' 14.5" E, 1,888.45 feet' THENCE N 00 00 20" E, 15.57 feet to THE POINT OF BEGINNING;

THENCE S 89 59' 40" E, 52.78 feet;
 THENCE S 82 32' 33" E, 321.99 feet;
 THENCE S 00 00' 06" W, 417.38 feet;
 THENCE S 11 04' 30" W, 939.00 feet;
 THENCE N 80 33' 38" W, 431.36 feet;
 THENCE S 09 26' 22" W, 16.00 feet, more or less, to the northerly line of the housing authority of Key West property conveyed in deed book G-9,
 Page 406 of the public records of Monroe County, Florida, and the POINT OF TERMINUS.

2. All of the pipe system, including lift stations and appurtenances thereto, running between the Plant Lift Station "A".

3. Lift Stations:

"A"	250 Amelia St.
"B"	631 Greene St.
"C"	699 Palm Ave.
"D"	1329 Seminary St.
"DA"	1391 Atlantic Blvd.
"E"	2430 Government Rd.
"F"	1460 Fourteenth St.
"G"	3545 Flagler Ave.
"H"	250 Trumbo Rd.
"I"	3105 N. Roosevelt Blvd.
"J"	3906 S. Roosevelt Blvd.
"K"	3485 S. Roosevelt Blvd.
"L"	3557 S. Roosevelt Blvd.
"M"	3805 S. Roosevelt Blvd.
"N"	2001 S. Roosevelt Blvd.
"O"	Venetian Dr.
"P"	Garrison Bight
"R"	Butterwood Court
"S"	Hilton Haven

4. Navy flow meters:

EXHIBIT B

Station "D1" Trumbo Point Annex front gate
 Station "D2" Trumbo Point Annex backflow preventer
 Station "D3" Trumbo Point Annex back gate
 Station "E2" Lift station "A"
 Station "E3" Truman Ave. and Fort St.
 Station "E5" Angela St. and old City Electric System building
 Station "B" Poinciana Housing
 Station "C" Sigbee
 Station "A" Medical Center

Exhibit C



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kotkamp
Lt. Governor

Michael W. Sole
Secretary

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

CERTIFIED MAIL NO.: 7008 0500 0000 7774 4889
RETURN RECEIPT REQUESTED

RECEIVED

JUN 22 2009

In the Matter of an
Application for Permit by:

ASSISTANT CITY MANAGER

City of Key West
E. David Fernandez
P. O. Box 1409
Key West, Florida 33041

Monroe County - DW
Richard A. Heyman Environmental Protection Facility
File Number: FLA147222-011-DW1P
Keys TMDL Basin

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FLA147222 to operate the Richard A. Heyman Environmental Protection Facility, issued under Chapter 403, Florida Statutes.

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.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another

Richard A. Heyman Environmental Protection Facility
FLA147222-011-DW1P/NR

party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination;
- (c) A statement of when and how the petitioner received notice of the Department's decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.


Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This permit action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this permit action is filed with the Clerk of the Department.

Executed in Fort Myers, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Jon Iglehart
Director of
District Management

Richard A. Heyman Environmental Protection Facility
FLA147222-011-DW1P/NR

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.


[Clerk] 10-19-09
[Date]

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on June 19, 2009, to the listed persons.

JML/NWM/jl

Enclosure: Permit, Discharge Monitoring Report, Statement of Basis

Copies furnished to:
Lisa Prieto, P.E.
Steven Johnson



Florida Department of Environmental Protection

Charlie Crist
Governor

Jill Kottkamp
Lt. Governor

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Michael W. Sole
Secretary

STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

PERMITTEE:
City Of Key West

PERMIT NUMBER: FLA147222
FILE NUMBER: FLA147222-011-DW1P

RESPONSIBLE OFFICIAL:

ISSUANCE DATE: June 18, 2009
EXPIRATION DATE: June 17, 2014

B. David Fernandez
Assistant City Manager
525 Angela Street, P. O. Box 1409
Key West, Florida 33041
(305)293-6414

FACILITY:

Richard A. Heyman Environmental Protection Facility
Trumbo Point Annex-Fleming Key
Key West, FL
Monroe County
Latitude: 24°34' 6.43" N Longitude: 81°47' 48.98" 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.). This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

WASTEWATER TREATMENT:

The facility is a domestic wastewater treatment facility. The permitted capacity for the annual average daily flow is 10.0 million gallons per day. The headworks consist of one manually cleaned bar rack, two mechanical bar screens, two grit removal systems and an odor control system. The biological treatment units are two aeration basins and one anoxic basin (with a re-aeration zone). Solids are removed from the effluent by two clarifiers and four cloth filters. The ultraviolet disinfection system consists of two UV-reactors. The residuals system consists of two sludge storage tanks and two belt-filter presses. The facility has two offline chlorine contact tanks and an offline solids incinerator.

DISPOSAL:

Underground Injection U-001: The treated effluent is disposed in an underground injection well system (U-001). The system consists of two Class V injection wells that discharge to Class G-IV ground water. The wells are permitted under Department permit numbers 63207-186 and 187-UO/5W. The discharge shall comply with the conditions of the underground injection wells' permits. U-001 is located at the facility.

IN ACCORDANCE WITH: The limitations, monitoring requirements, and other conditions set forth in this cover sheet and Part I through Part IX on pages 1 through 13 of this permit.

PERMITTEE: City of Key West
FACILITY: Richard A Heyman EPF

PERMIT NUMBER: FLA147222
FILE NUMBER: FLA147222-011-DW1P/NR

L RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Underground Injection Control Systems

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge effluent to Underground Injection Well System U-001. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with condition I.B.7.

Parameter	Units	Reclaimed Water Limitations			Monitoring Requirements			Notes
		Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
BOD, Carbonaceous 5 day, 20C	mg/L	Max Max Max Max	5.0 6.25 7.5 10.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Solids, Total Suspended	mg/L	Max Max Max Max	5.0 6.25 7.5 10.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Ultraviolet Light Dosage	mW-s/sqcm	Min	35	Single Sample	Continuous	Meter	PPI-1	See I.A.5
Ultraviolet Light Transmittance	percent	Min	65	Single Sample	Continuous	Meter	PPI-1	
Ultraviolet Light Intensity	mW/sqcm	Min	Report	Single Sample	Continuous	Meter	PPI-1	
Coliform, Fecal	#/100mL	Max Max Max	200 200 800	Annual Average Monthly Geometric Mean Single Sample	5 Days/Week	Grab	EFF-1	See I.A.4
pH	s.u.	Min Max	6.0 8.5	Single Sample Single Sample	Continuous	Grab	EFF-1	See I.AA.3
Nitrogen, Total	mg/L	Max Max Max Max	3.0 3.75 4.5 6.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Phosphorus, Total (as P)	mg/L	Max Max Max Max	1.0 1.25 1.5 2.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	

PERMITTEE: City of Key West
FACILITY: Richard A Heyman EPF

PERMIT NUMBER: FLA147222
FILE NUMBER: FLA147222-011-DW1P/NR

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-1	After the UV reactors.
PPI-1	In the ultraviolet reactor

3. Hourly measurement of pH during the period of required operator attendance may be substituted for continuous measurement. *[Chapter 62-601, Figure 2]*
4. The effluent limitation for the monthly geometric mean for fecal coliform is only applicable if 10 or more values are reported. If fewer than 10 values are reported, the monthly geometric mean shall be calculated and reported on the Discharge Monitoring Report. *[62-600.440(4)(c)]*
5. The permittee shall apply for a minor revision, if the chlorine disinfection system is to be used.

PERMITTEE: City of Key West
 FACILITY: Richard A Heyman EPF

PERMIT NUMBER: FLA147222
 FILE NUMBER: FLA147222-011-DW1P/NR

B. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below and reported in accordance with condition I.B.7.

Parameter	Units	Max/Min	Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max Max Max	10.0 Report Report	Annual Average Monthly Average Quarterly Average	Continuous	Recording Flow Meter with Totalizer	FLW-1	See I.B.4
Percent Capacity, (TMADF/Permitted Capacity) x 100	percent	Max	Report	Monthly Average	Monthly	Calculated	FLW-1	
BOD, Carbonaceous 5 day, 20C (Influent)	mg/L	Max	Report	Single Sample	5 Days/Week	24-hr FPC	INF-1	See I.B.3 and I.B.9
Solids, Total Suspended (Influent)	mg/L	Max	Report	Single Sample	5 Days/Week	24-hr FPC	INF-1	See I.B.3 and I.B.9

PERMITTEE: City of Key West
FACILITY: Richard A Heyman EPF

PERMIT NUMBER: FLA147222
FILE NUMBER: FLA147222-011-DWIP/NR

2. Samples shall be taken at the monitoring site locations listed in Permit Condition I.B.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-1	Flow meter on the influent line before the screening process.
INF-1	The influent line before the screening process.

3. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4)]
4. A recording flow meter with totalizer shall be utilized to measure flow and be calibrated at least once every 12 months. [62-601.200(17) and .500(6)]
5. 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 effluent limitations. [62-4.246]
6. The permittee shall provide safe access points for obtaining representative influent and effluent samples that are required by this permit. [62-601.500(5)]

7. 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) 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
Monthly or Toxicity	First day of month - last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form and shall submit the completed DMR form to the Department's South District Office at the address specified in Permit Condition I.B.8. by the twenty-eighth (28th) of the month following the month of operation.

[62-620.610(18)][62-601.300(1),(2), and (3)]

8. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's South District Office at the address specified below:

Florida Department of Environmental Protection South District
2796 Overseas Highway
Suite 221
Marathon, Florida 33050-2227

PERMITTEE: City of Key West
FACILITY: Richard A Heyman EPP

PERMIT NUMBER: FLA147222
FILE NUMBER: FLA147222-011-DW1P/NR

Phone Number - (305)289-2310
FAX Number - (305)289-2314
(All FAX copies and e-mails shall be followed by original copies.)

[62-620.305]

9. Influent flow proportioned composite samples for CBOD, and total suspended solids shall be taken on the same day that the effluent samples are taken. *[62-601.300(6)]*

II. RESIDUALS MANAGEMENT REQUIREMENTS

1. The method of residuals use or disposal by this facility is disposal in a Class I or II solid waste landfill. *[62-620.320(6), 62-640.880(1)]*
2. The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals. *[62-640.300(5)]*
3. Disposal of residuals, septage, and other solids in a solid waste disposal facility, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with the requirements of Chapter 62-701, F.A.C. *[62-640.100(6)(k)3&4]*
4. If the permittee intends to accept residuals from other facilities, a permit revision is required pursuant to Rule 62-640.880(2)(d), F.A.C. *[62-640.880(2)(d)]*
5. Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department. *[62-640.300(4)]*

III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

A. Staffing Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of an operator certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category II, Class A facility and, at a minimum, operators with appropriate certification must be on the site as follows:
 - A Class C or higher operator 24 hours/day for 7 days/week. The lead/chief operator must be a Class A operator.
2. The lead/chief operator shall be employed at the plant full time. "Full time" shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time. A licensed operator shall be on-site and in charge of each required shift for periods of required staffing time when the lead/chief operator is not on-site. An operator meeting the lead/chief operator class for the treatment plant shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. *[62-699.311(10), (6) and (1)]*

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FACILITY: Richard A Heyman EPF

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B. Capacity Analysis Report and Operation and Maintenance Performance Report Requirements

1. The application to renew this permit shall include an updated capacity analysis report prepared in accordance with Rule 62-600.405, F.A.C. *[62-600.405(5)]*
2. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. *[62-600.735(1)]*

C. Recordkeeping Requirements

1. 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. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
 - e. A copy of the current permit;
 - f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
 - g. A copy of any required record drawings;
 - h. Copies of the licenses of the current certified operators; and
 - i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and license number of the operator and the signature of the person making any entries; date and time in and out; specific operation and maintenance activities, including any preventive maintenance or repairs made or requested; results of tests performed and samples taken, unless documented on a laboratory sheet; and notation of any notification or reporting completed in accordance with Rule 62-602.650(3), F.A.C. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350, 62-602.650]

VI. SCHEDULES

If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. *[62-620.335(1) and (2)]*

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

This facility is not required to have a pretreatment program at this time. *[62-625.500]*

VIII. OTHER SPECIFIC CONDITIONS

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1. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C. *[62-600.410(8) and 62-640.400(6)]*
2. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited, except as provided by Rule 62-610.472, F.A.C. *[62-604.130(3)]*
3. The operating authority of a collection/transmission system and the permittee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents);
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in the wastewater temperature at the introduction of the treatment plant exceeding 40°C or otherwise inhibiting treatment; or
 - e. Which result in the presence of toxic gases, vapors, or fumes that may cause worker health and safety problems.*[62-604.130(5)]*
4. The treatment facility shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-600.400(2)(b)]*
5. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class 1 landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit. *[62-701.300(1)(a)]*
6. 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)]*
7. The permittee shall provide verbal notice to the Department's South 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, wastewater residuals (sludges), or reclaimed water. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's South District Office in a written report within seven days of the sinkhole discovery. *[62-620.320(6)]*
8. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C., if it were directly discharging those pollutants; and

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- b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

[62-620.625(2)]

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 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

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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)]*

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

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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 ELC^{CP}). Such certification shall be for the matrix, test method and analyte 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)]*

20. The permittee shall report to the Department's South 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:

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- (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 South 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 South 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, IX.18, or IX.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 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.a.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.

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[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 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.20. 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 Fort Myers, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

DATE: June 18, 2009

**STATEMENT OF BASIS
FOR
STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT**

PERMIT NUMBER: FLA147222

FACILITY NAME: Richard A Heyman Environmental Protection Facility

FACILITY LOCATION: Trumbo Point Annex-Fleming Key, Key West, FL
Monroe County

NAME OF PERMITTEE: City Of Key West

PERMIT WRITER: Nolin Moon

1. SUMMARY OF APPLICATION

a. Chronology of Application

Application Number: FLA147222-011-DW1P

Application Submittal Date: May 27, 2009

b. Type of Facility

Domestic Wastewater Treatment Plant

Ownership Type: Municipal

SIC Code: 4952

c. Facility Capacity

Existing Permitted Capacity:	10.0 mgd Annual Average Daily Flow
Proposed Increase in Permitted Capacity:	0 mgd Annual Average Daily Flow
Proposed Total Permitted Capacity:	10.0 mgd Annual Average Daily Flow

d. Description of Wastewater Treatment

The facility is a domestic wastewater treatment facility. The permitted capacity for the annual average daily flow (AADF) is 10.0 million gallons per day (MGD). The headworks consist of one manually cleaned bar rack, two mechanical bar screens, two grit removal systems and an odor control system. The biological treatment units are two aeration basins and one anoxic basin. Solids are removed from the effluent by two clarifiers and four cloth filters. The ultraviolet disinfection system consists of two UV-reactors. The facility has two offline chlorine contact tanks. The residuals system consists of two sludge storage tanks and two belt-filter presses.

e. Description of Effluent Disposal and Land Application Sites (as reported by applicant)

The treated effluent is discharged to two major Class V wells located at the treatment facility.

2. SUMMARY OF SURFACE WATER DISCHARGE

This facility does not discharge to surface waters.

3. BASIS FOR PERMIT LIMITATIONS AND MONITORING REQUIREMENTS

This facility is authorized to discharge treated effluent to Underground Injection Well System U-001 which consists of two Class V injection wells discharging to Class G-III ground water based on the following:

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
BOD, Carbonaceous 5 day, 20C	mg/L	Max	5.0	Annual Average	Chapter 99-395, Laws of Florida, Section 6
		Max	6.25	Monthly Average	62-600.740(1)(b)1.b. FAC
		Max	7.5	Weekly Average	62-600.740(1)(b)1.c. FAC
		Max	10.0	Single Sample	62-600.740(1)(b)1.d. FAC
Solids, Total Suspended	mg/L	Max	5.0	Annual Average	Chapter 99-395, Laws of Florida, Section 6
		Max	6.25	Monthly Average	62-600.740(1)(b)1.b. FAC
		Max	7.5	Weekly Average	62-600.740(1)(b)1.c. FAC
		Max	10.0	Single Sample	62-600.740(1)(b)1.d. FAC
Ultraviolet Light Dosage	mW-s/sqcm	Min	35	Single Sample	
Ultraviolet Light Transmittance	percent	Min	65	Single Sample	
Ultraviolet Light Intensity	mW/sqcm	Min	Report	Single Sample	
Coliform, Fecal	#/100mL	Max	200	Annual Average	62-600.440(4)(c)1. FAC
		Max	200	Monthly Geometric Mean	62-600.440(4)(c)2. FAC
pH	s.u.	Max	800	Single Sample	62-600.440(4)(c)4. FAC
		Min	6.0	Single Sample	62-600.445 FAC
		Max	8.5	Single Sample	62-600.445 FAC
Nitrogen, Total	mg/L	Max	3.0	Annual Average	Chapter 99-395, Laws of Florida, Section 6
		Max	3.75	Monthly Average	62-600.740(1)(b)2.b. FAC
		Max	4.5	Weekly Average	62-600.740(1)(b)2.c. FAC
		Max	6.0	Single Sample	62-600.740(1)(b)2.d. FAC
		Max	1.0	Annual Average	Chapter 99-395, Laws of Florida, Section 6
Phosphorus, Total (as P)	mg/L	Max	1.25	Monthly Average	62-600.740(1)(b)2.b. FAC
		Max	1.5	Weekly Average	62-600.740(1)(b)2.c. FAC
		Max	2.0	Single Sample	62-600.740(1)(b)2.d. FAC

Other Limitations and Monitoring Requirements:

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Flow	MGD	Max	10.0	Annual Average	62-600.400(3)(b) FAC
		Max	Report	Monthly Average	62-600.400(3)(b) FAC
		Max	Report	Quarterly Average	62-600.400(3)(b) FAC

Parameter	Units	Max/ Min	Limit	Statistical Basis	Rationale
Percent Capacity, (TMAD/P/Permitted Capacity) x 100	percent	Max	Report	Monthly Average	62-600.405(4) FAC
BOD, Carbonaceous 5 day, 20C (influent)	mg/L	Max	Report	Single Sample	62-601.300(1) FAC
Solids, Total Suspended (influent)	mg/L	Max	Report	Single Sample	62-601.300(1) FAC
Monitoring Frequencies and Sample Types	-	-	-	All Parameters	62-601 FAC & 62-699 FAC and/or BPJ of permit writer
Sampling Locations	-	-	-	All Parameters	62-601, 62-610.412, 62-610.463(1), 62- 610.568, 62-610.613 FAC and/or BPJ of permit writer

4. DISCUSSION OF CHANGES TO PERMIT LIMITATIONS

The previous wastewater permit for this facility FLA147222 expires on November 11, 2009.

On July 1, 2006, the facility was required to meet the Advanced Wastewater Treatment limits specified in Chapter 99-395, Law of Florida.

5. RESIDUALS MANAGEMENT

The method of residuals use or disposal by this facility is landfill or disposal in a Class I or II solid waste landfill.

6. GROUND WATER MONITORING REQUIREMENTS

Section III is not applicable to this permit. Groundwater limits and monitoring requirements are addressed in the inject wells' permits.

7. PERMIT SCHEDULES

A schedule is not included in the wastewater permit.

8. INDUSTRIAL PRETREATMENT REQUIREMENTS

At this time, the facility is not required to develop an approved industrial pretreatment program. However, the Department reserves the right to require an approved program if future conditions warrant.

9. ADMINISTRATIVE ORDERS (AO) AND CONSENT ORDERS (CO)

This permit is not accompanied by an AO and has not entered into a CO with the Department.

10. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

No variances were requested for this facility.

11. THE ADMINISTRATIVE RECORD

The administrative record including application, draft permit, fact sheet, public notice (after release), comments received and additional information is available for public inspection during normal business hours at the location specified in item 12. Copies will be provided at a minimal charge per page.

12. DEP CONTACT

Additional information concerning the permit and proposed schedule for permit issuance may be obtained during normal business hours from:

Nolin Moon
Engineer III
South District Office

2295 Victoria Ave Suite 364
Ft. Myers, FL 33901-3881

Telephone No.: (239) 332-6975 ext. 130

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, South District, 2796 Overseas Highway, Suite 221, Marathon, Florida 33050-2227

PERMITTEE NAME: City Of Key West
MAILING ADDRESS: P. O. Box 1409
Key West, Florida 33041

PERMIT NUMBER: FLA147222-011-DW1P

FACILITY: Richard A Heyman EPF
LOCATION: Trumbo Point Annex-Fleming Key
Key West, FL

LIMIT: Final
CLASS SIZE: N/A
MONITORING GROUP NUMBER: U-001
MONITORING GROUP DESCRIPTION: Effluent and Influent
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐

REPORT: Monthly
PROGRAM: Domestic

COUNTY: Monroe
OFFICE: South District

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 Y	Permit Requirement				5.0 (An.Avg.)			mg/L		5 Days/Week	24-hr FPC
Mon. Site No. EFF-1											
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 1	Permit Requirement			10.0 (Max.)	7.5 (Wk.Avg.)	6.25 (Mo.Avg.)		mg/L		5 Days/Week	24-hr FPC
Mon. Site No. EFF-1											
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 Y	Permit Requirement				5.0 (An.Avg.)			mg/L		5 Days/Week	24-hr FPC
Mon. Site No. EFF-1											
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1	Permit Requirement			10.0 (Max.)	7.5 (Wk.Avg.)	6.25 (Mo.Avg.)		mg/L		5 Days/Week	24-hr FPC
Mon. Site No. EFF-1											
Ultraviolet Light Dosage	Sample Measurement										
PARM Code 61938 J	Permit Requirement			35 (Min.)				mW-s/sqcm		Continuous	Meter
Mon. Site No. PPI-1											
Ultraviolet Light Transmittance	Sample Measurement										
PARM Code 51043 J	Permit Requirement			65 (Min.)				percent		Continuous	Meter
Mon. Site No. PPI-1											

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

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (yy/mm/dd)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Richard A Heyman EPF

MONITORING GROUP U-001
NUMBER:
MONITORING PERIOD From: _____ To: _____

PERMIT NUMBER: FLA147222-011-DWIP

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Ultraviolet Light Intensity	Sample Measurement										
PARM Code 49607 J Mon. Site No. PPI-1	Permit Requirement				Report (Min.)			mW/cm		Continuous	Meter
Coliform, Fecal	Sample Measurement										
PARM Code 74055 Y Mon. Site No. EFF-1	Permit Requirement				200 (An.Avg.)			#/100mL		5 Days/Week	Grab
Coliform, Fecal	Sample Measurement										
PARM Code 74055 1 Mon. Site No. EFF-1	Permit Requirement				200 (Mo.Geo.Min.)	800 (Max.)		#/100mL		5 Days/Week	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-1	Permit Requirement				6.0 (Min.)	8.5 (Max.)		s.u.		Continuous	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 Y Mon. Site No. EFF-1	Permit Requirement				3.0 (An.Avg.)			mg/L		5 Days/Week	24-hr FPC
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-1	Permit Requirement				6.0 (Max.)	4.5 (Wk.Avg.)	3.75 (Mo.Avg.)	mg/L		5 Days/Week	24-hr FPC
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 Y Mon. Site No. EFF-1	Permit Requirement				1.0 (An.Avg.)			mg/L		5 Days/Week	24-hr FPC
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-1	Permit Requirement				2.0 (Max.)	1.5 (Wk.Avg.)	1.25 (Mo.Avg.)	mg/L		5 Days/Week	24-hr FPC
Flow	Sample Measurement										
PARM Code 50050 Y Mon. Site No. FLW-1	Permit Requirement		10.0 (An.Avg.)	MGD						Continuous	Flow Totalizer
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. FLW-1	Permit Requirement	Report (Mo.Avg.)	Report (Qt.Avg.)	MGD						Continuous	Flow Totalizer

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Richard A Heyman EPF

MONITORING GROUP U-001
NUMBER:
MONITORING PERIOD From: _____

PERMIT NUMBER: FLA147222-011-DW1P

[illegible]

DAILY SAMPLE RESULTS - PART B

Permit Number: FLA147222-011-DW1P Facility: Richard A Heyman EPF
 Monitoring Period From: To:

Code	BOD, mg/L	Coliform, Fecal #/100mL	Nitrogen, Total mg/L	Phosphorus, Total (as P) mg/L	Solids, Total Suspended mg/L	pH s.u.	Flow MGD	Percent Capacity, (TMADP/Permitted Capacity) x 100 percent	BOD, mg/L	Solids, Total Suspended mg/L	Ultraviolet Light Dosage mW-s/sqcm
Mon. Site	80082 EFF-1	74055 EFF-1	00600 EFF-1	00665 EFF-1	00530 EFF-1	00400 EFF-1	50050 FLW-1	00180 FLW-1	80082 INF-1	00530 INF-1	61938 PP-1
1											
2											
3											
4											
5											
6											
7											
8											
9											
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20											
21											
22											
23											
24											
25											
26											
27											
28											
29											
30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
Evening Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

Permit Number: FLA147222-011-DWIP
Monitoring Period: _____
Facility: Richard A Heyman WWP
From: _____ To: _____

Facility: Richard A Heyman WWTTP

PLANT STAFFING:			
Day Shift Operator	Class:	Certificate No:	Name:
Evening Shift Operator	Class:	Certificate No:	Name:
Night Shift Operator	Class:	Certificate No:	Name:
Lead Operator	Class:	Certificate No:	Name:

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts—A, B, and D—all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Add the results to get the Total and divide by the number of days in the month to get the Monthly Average.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

Exhibit C



Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor
Jeff Kollek
Lt. Governor
Michael W. Sole
Secretary

CERTIFIED MAIL NO.: 7008 0500 0000 7774 4711
RETURN RECEIPT REQUESTED

RECEIVED

June 30, 2009

JUL 02 2009

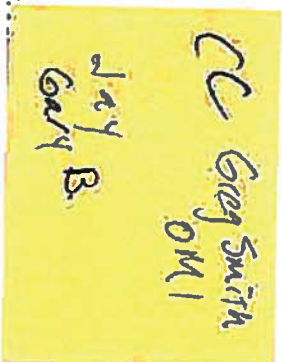
ASSISTANT CITY MANAGER

City of Key West
E. David Fernandez
P. O. Box 1409
Key West, Florida 33041

Re:

Monroe County - DW
Richard A. Heyman EPP
Permit Number FLA147222-011
Corrections of typographical error
Keys TMDL Basin

Dear Mr. . . .



This letter revises the above referenced permit to correct a typographical error in permit that was issued June 18, 2009. The Department of Environmental Protection shall change the monitoring frequency of ultraviolet dosage, transmittance and intensity from continuous to daily.

Please refer to the revised page 2 of 13 of the permit, copy attached. All other conditions of the permit shall remain unchanged. This revised page 2 of 13 must be attached to the referenced permit and becomes a permanent part thereof.

Should you have any questions, please contact Nolin Moon of this office at (239) 332-6975, ext. 130.

Sincerely,

Jon M. Iglehart
Director of
District Management

JML/NWM/jl

Enclosure: Revised Permit Page 2 of 13

Copies furnished to:
Lisa Prieto, P.E.
Steven Johnson

PERMITTEE: City of Key West
 FACILITY: Richard A Heyman EPF

PERMIT NUMBER: FLA147222
 FILE NUMBER: FLA147222-011-DW1P/NR
 REVISION DATE: June 30, 2009

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Underground Injection Control Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge effluent to Underground Injection Well System U-001. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with condition I.B.7.

Parameter	Units	Max/Min	Reclaimed Water Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
BOD, Carbonaceous 5 day, 20C	mg/L	Max Max Max Max	5.0 6.25 7.5 10.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Solids, Total Suspended	mg/L	Max Max Max Max	5.0 6.25 7.5 10.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Ultraviolet Light Dosage	mW-s/qcm	Min	35	Single Sample	Daily	Meter	PPI-1	See I.A.5
Ultraviolet Light Transmittance	percent	Min	65	Single Sample	Daily	Meter	PPI-1	
Ultraviolet Light Intensity	mW/sqcm	Min	Report	Single Sample	Daily	Meter	PPI-1	
Coliform, Fecal	#/100mL	Max Max Max	200 200 800	Annual Average Monthly Geometric Mean Single Sample	5 Days/Week	Grab	EFF-1	See I.A.4
pH	s.u.	Min Max	6.0 8.5	Single Sample Single Sample	Continuous	Meter	EFF-1	See I.A.3
Nitrogen, Total	mg/L	Max Max Max Max	3.0 3.75 4.5 6.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	
Phosphorus, Total (as P)	mg/L	Max Max Max Max	1.0 1.25 1.5 2.0	Annual Average Monthly Average Weekly Average Single Sample	5 Days/Week	24-hr FPC	EFF-1	

EXHIBIT D

DESCRIPTION OF EASEMENT PROPERTY

A parcel of land in Township 67 South, Range 25 East on Fleming Key, Monroe County, Florida, being more particularly described as follows:

COMMENCE at the U. S. Army Corps of Engineers Control Station Pier 0-2, the coordinates of which are N 85,337.68 and E 223,429.18 based on U. S. Coast and Geodetic Survey Mercator Grid Coordinate System (East zone) which has for its zero coordinate a point at latitude 24 20' North and 500,000 feet west of Longitude 81 00' West, THENCE N 75 17' 14.5° E, 1,888.45 feet to THE POINT OF BEGINNING;

THENCE N 00 00' 20" E, 379.77 feet;
THENCE N 45 00' 33" E, 117.22 feet;
THENCE N 00 01' 00" E, 314.87 feet;
THENCE N 44 43' 06" E, 438.70 feet;
THENCE S 45 16' 54" W, 621.17 feet;
THENCE S 56 41' 13" E, 167.43 feet;
THENCE S 32 11' 13" E, 380.00 feet;
THENCE S 42 11' 23" E, 221.23 feet;
THENCE S 67 00' 49" E, 191.32 feet
to THE POINT OF BEGINNING.

The above described parcel contains 10.145 acres, more or less, all as shown on map marked Exhibit "A" attached hereto and made a part hereof.

ALSO

A 25' wide strip of land in Township 67 South, Range 25 East, Monroe County, Florida, 12.5 feet on each side of the following described centerline:

COMMENCE at the U. S. Army Corps of Engineers Control Station Pier D-2, the coordinates of which are N 85,337.68 and E 233,429.18 based on U. S. Coast and Geodetic Survey Mercator Grid Coordinate System (East Zone) which has for its zero coordinate a point of latitude 24 20' North and 500,000 feet West of longitude 81 00' West; THENCE N 75 17' 14.5° E, 1,888.45 feet; THENCE N 00 00' 20" E, 15.47 feet to THE POINT OF BEGINNING.

THENCE S 89 59' 40" E, 52.78 feet;
THENCE S 82 32' 33" E, 321.99 feet;
THENCE S 00 00' 06" W, 417.38 feet;
THENCE S 11 04' 40" W, 939.00 feet;
THENCE N 80 33' 38" W, 431.36 feet;
THENCE S 09 26' 22" W, 16.00 feet, more or less, to the northerly line
of the housing authority of Key West property conveyed in deed book G-9,
Page 406 of the public records of Monroe County, Florida, and the POINT
OF TERMINUS.

EXHIBIT E

EFFLUENT CHARACTERISTICS

1. The Contractor shall operate the Facilities so that the effluent will meet the requirement of the NPDES Permit.
2. In the event any one of the influent characteristics, suspended solids, BOD5, or flow exceeds the design parameters stated above, the Contractor shall return the Plant effluent to the characteristics required by the NPDES Permit in accordance with the following schedule after the influent characteristics return to within design parameters.

Characteristics Exceeding Design Parameters By	Recovery Period Maximum
10% or Less	5 days
Above 10% but Less than 20%	10 days
20% or Above	30 days

Notwithstanding the above schedule, if the failure to meet effluent quality limitations is caused by the presence of Biologically Toxic Substances or the lack of Adequate Nutrients in the influent, then the Contractor will have a 30 day recovery period after the influent is free from said substances or contains Adequate Nutrients.

3. The Contractor shall not be responsible for fines or legal action as a result of discharge violations within the period that influent exceeds design parameters, or does not contain Adequate Nutrients, contain Biologically Toxic Substances, and the subsequent recovery period, unless such condition is caused by the Contractor.

WWTP, Collections System
CY 27 Oct 2013 - Sep 2014

	Year 22	Year 23	Year 24	Year 25	Year 26	Year 26	Year 26	Year 27
	FY 2009	FY 2010	FY 2011	FY2012	FY2013	FY 2013	FY 2013	FY 2014
	Actuals	Actuals	Actuals	Actuals	Actual Thru March	(Projected)	Approved	Proposed
New GL Description								
Labor-Site	\$ 1,473,094	\$ 1,464,125	\$ 1,404,785	\$ 1,541,631	\$ 775,589	\$ 1,551,178	\$ 1,626,154	\$ 1,651,619
Overtime	\$ 72,474	\$ 75,492	\$ 71,216	\$ 82,528	\$ 51,383	\$ 81,427	\$ 69,642	\$ 75,000
Area Allowance	\$ 126,000	\$ 126,000	\$ 117,984	\$ 126,000	\$ 66,000	\$ 132,000	\$ 126,000	\$ 132,000
Air Transportation	\$ 5,741	\$ 5,671	\$ 10,005	\$ 7,626	\$ 880	\$ 3,800	\$ 4,267	\$ 4,267
Lodging	\$ 8,847	\$ 8,080	\$ 7,775	\$ 8,834	\$ 883	\$ 7,231	\$ 8,242	\$ 8,242
Auto Rentals	\$ 2,160	\$ 2,870	\$ 2,587	\$ 2,698	\$ 477	\$ 2,161	\$ 2,492	\$ 2,492
Meals-Travel	\$ 2,679	\$ 1,764	\$ 3,452	\$ 1,924	\$ 1,441	\$ 2,750	\$ 2,740	\$ 2,740
Auto Mileage	\$ -	\$ -	\$ 40	\$ 1,273	\$ 967	\$ 1,350	\$ 1,350	\$ 1,350
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Home Assignment	\$ -	\$ -	\$ 14,152	\$ -	\$ -	\$ -	\$ -	\$ -
Telephone-Office	\$ 20,008	\$ 20,000	\$ 23,567	\$ 12,529	\$ 6,790	\$ 17,827	\$ 20,400	\$ 20,400
Postage, Freight, Delivery	\$ 7,114	\$ 5,696	\$ 7,802	\$ 6,515	\$ 1,378	\$ 5,443	\$ 5,904	\$ 5,904
Operating Supplies	\$ 53,813	\$ 28,330	\$ 34,451	\$ 29,377	\$ 18,878	\$ 37,756	\$ 38,616	\$ 38,616
Insurance-Other	\$ 56,115	\$ 36,231	\$ 47,472	\$ 53,996	\$ 26,607	\$ 53,214	\$ 50,176	\$ 53,214
Advertising-Recruiting	\$ 6,587	\$ 2,160	\$ 5,133	\$ 5,430	\$ 3,172	\$ 5,472	\$ 5,496	\$ 5,496
Fleet Vehicle Expenses	\$ 28,386	\$ 28,396	\$ 18,864	\$ 27,577	\$ 12,780	\$ 18,782	\$ 18,925	\$ 18,925
Auto Leases	\$ 4,763	\$ 3,600	\$ 573	\$ 206	\$ 108	\$ 216	\$ 580	\$ 216
Equipment Rental-Internal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment Maintenance	\$ 4,675	\$ 1,755	\$ 8,294	\$ 5,844	\$ 1,750	\$ 5,142	\$ 7,030	\$ 7,030
Computer Expense	\$ 2,320	\$ 2,505	\$ 6,591	\$ 13,846	\$ 2,520	\$ 4,549	\$ 4,549	\$ 4,549
Meeting Facilities	\$ 2,794	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dues-Business Organization	\$ 3,312	\$ 2,235	\$ 2,825	\$ 3,018	\$ 102	\$ 3,080	\$ 3,080	\$ 3,080
Books & Publications	\$ 855	\$ 1,090	\$ 372	\$ 925	\$ 202	\$ 807	\$ 800	\$ 800
Education & Training	\$ 12,498	\$ 10,526	\$ 11,651	\$ 10,332	\$ 2,417	\$ 12,000	\$ 12,000	\$ 12,000
Equipment Supplies	\$ 272,256	\$ 255,304	\$ 288,394	\$ 336,807	\$ 164,086	\$ 328,172	\$ 291,010	\$ 300,000
Chemicals	\$ 274,979	\$ 373,503	\$ 256,147	\$ 223,124	\$ 83,157	\$ 279,503	\$ 284,309	\$ 281,309
Uniform Expense	\$ 14,234	\$ 13,800	\$ 18,995	\$ 17,535	\$ 12,281	\$ 20,028	\$ 20,028	\$ 20,028
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Supplies-Office-Laboratory	\$ 28,438	\$ 33,000	\$ 37,372	\$ 32,889	\$ 14,546	\$ 38,454	\$ 38,454	\$ 38,454
Equipment Rental-Outside	\$ 3,678	\$ 4,101	\$ 2,435	\$ 5,652	\$ 3,264	\$ 5,356	\$ 4,183	\$ 4,183
Fuel Oil	\$ 4,425	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Safety Training & Supplies	\$ 14,784	\$ 9,468	\$ 6,450	\$ 14,773	\$ 9,870	\$ 12,920	\$ 12,920	\$ 12,920
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Outside Services-Other	\$ 108,148	\$ 147,432	\$ 129,052	\$ 124,431	\$ 70,273	\$ 138,443	\$ 158,614	\$ 158,614
Legal - Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subcontractor Service - Other	\$ -	\$ -	\$ -	\$ 1,097	\$ 493	\$ 1,268	\$ 1,200	\$ 1,200
Contract Hauling	\$ 391,869	\$ 452,600	\$ 386,245	\$ 455,033	\$ 219,766	\$ 454,966	\$ 460,928	\$ 460,928
Laboratory Services	\$ 41,445	\$ 42,872	\$ 37,567	\$ 35,379	\$ 14,064	\$ 32,064	\$ 40,754	\$ 37,000
Electricity	\$ 959,997	\$ 956,754	\$ 864,919	\$ 835,351	\$ 408,881	\$ 845,011	\$ 851,079	\$ 848,446
Water	\$ 19,977	\$ 13,800	\$ 23,645	\$ 18,412	\$ 7,315	\$ 25,000	\$ 16,070	\$ 35,000
Licenses And Fees	\$ 23,418	\$ 12,000	\$ 7,536	\$ 6,651	\$ 1,834	\$ 6,580	\$ 12,500	\$ 12,500
	\$ 4,051,883	\$ 4,171,160	\$ 3,858,349	\$ 4,049,243.00	\$ 1,984,154.32	\$ 4,133,952	\$ 4,200,492.27	\$ 4,258,522.00

Stormwater Maintenance
CY 27 Oct 2013 - Sep 2014

	Year 22	Year 23	Year 24	Year 25	Year 26	Year 26	Year 26	Year 27
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2013	FY 2013	FY 2014
New GI Description	Actuals	Actuals	Actuals	Actuals	Actual Thru March	Projected Cost	Approved	Proposed
Labor-Site	\$ 346,749	\$ 350,966	\$ 367,631	\$ 296,229	\$ 143,514	\$ 360,682	\$ 388,636	\$ 375,063
Overtime	\$ 15,905	\$ 17,185	\$ 22,673	\$ 22,753	\$ 14,292	\$ 28,584	\$ 24,500	\$ 28,000
Area Allowance	\$ 48,000	\$ 48,000	\$ 41,525	\$ 36,000	\$ 18,000	\$ 36,000	\$ 48,000	\$ 36,000
Lodging	\$ 1,354	\$ 1,250	\$ 932	\$ 1,210	\$ -	\$ 1,000	\$ 1,000	\$ 1,000
Auto Rentals	\$ 771	\$ 400	\$ 445	\$ 489	\$ -	\$ 400	\$ 400	\$ 400
Meals-Travel	\$ 513	\$ 252	\$ 366	\$ 359	\$ -	\$ 252	\$ 252	\$ 252
Supplies - Office	\$ 159	\$ 700	\$ 70	\$ 2,060	\$ -	\$ 1,720	\$ 1,720	\$ 1,720
Fleet Vehicle Expenses	\$ 7,194	\$ 8,075	\$ 6,358	\$ 7,170	\$ 5,802	\$ 9,000	\$ 8,075	\$ 8,075
Education & Training	\$ 559	\$ 530	\$ 941	\$ 1,192	\$ -	\$ 500	\$ 500	\$ 500
Equipment-Supplies	\$ 34,366	\$ 28,084	\$ 40,659	\$ 27,880	\$ 29,684	\$ 40,000	\$ 28,000	\$ 30,000
Safety Training & Supplies	\$ 1,807	\$ 3,122	\$ 1,675	\$ 2,428	\$ 3,421	\$ 4,500	\$ 3,122	\$ 3,122
Outside Services-Other	\$ 7,190	\$ 15,400	\$ 18,469	\$ 8,655	\$ 6,245	\$ 12,490	\$ 12,000	\$ 12,000
Electricity	\$ 10,843	\$ 17,880	\$ 18,597	\$ 22,775	\$ 18,312	\$ 28,890	\$ 20,587	\$ 36,000
Water	\$ 5,074	\$ 8,600	\$ 3,473	\$ 2,501	\$ 1,392	\$ 4,500	\$ 2,200	\$ 5,500
Chemicals	\$ 137		\$ -	\$ 77	\$ -	\$ -	\$ -	\$ 100
Totals	\$ 480,621	\$ 500,444	\$ 523,814	\$ 431,778	\$ 240,662	\$ 528,518	\$ 538,992	\$ 537,732

EXHIBIT G

LIFT STATIONS

Updated list of Lift Stations is included below.

Lift Station	Address
A	250 Amelia St
B	613 Greene St
C	691 Palm Ave
D	1329 Seminary
DA	1391 Atlantic Ave
E	2430 Government Rd
F	1460 14th St
G	3545 Flagler Ave
H	250 Trumbo Rd
J	3900 S Roosevelt
K	Airport West
L	Airport Fed-ex
M	3805 S Roosevelt
N	2001 S Roosevelt
O	2700 Venetian Dr
P	Garrison Bight
R	3380 Donald Ave
S	99 Hilton haven Dr
T	1559 5th St
U	Mallory Sq
V	Jail
W	Outer Mole
Storm 1	Patricia & Ashby
Storm 5	Simonton St (west end)
Storm 3	White St. Indigenous Pk
Storm 2	Ashby & Catherine