



Florida Department of Environmental Protection

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September 21, 2009

Mark Mathis
President

Florida Industrial Pretreatment Association
P.O. Box 13754
Ft. Pierce, Florida 34979-3754

Re: Chapter 62-625, F.A.C.
Draft Rule Comments

Dear Mr. Mathis:

The Florida Department of Environmental Protection (Department) has reviewed the comments from the Florida Industrial Pretreatment Association (FIPA) regarding the draft revisions to Chapter 62-625, Florida Administrative Code (F.A.C.), received via email on August 27. The Department's response to each comment is provided below.

Comments one and six of the FIPA correspondence are regarding the term "meaningful public notice" used in Subparagraph 62-625.420(5)(d)3, F.A.C., and Paragraph 62-625.510(2)(a), F.A.C. The Department has revised the draft rule to reference Section 50.011 and 50.013 of the Florida Statutes to clarify the newspaper notification requirements. Although not addressed in the FIPA correspondence, the Department revised Subparagraph 62-625.500(2)(b)8, F.A.C., which also contains newspaper notification requirements.

Comment two of the FIPA correspondence is regarding the time frames for sampling and inspection listed in Subparagraph 62-625.500(2)(b)5, F.A.C. The Department has replaced "at least once every twelve months" with "at least once a year." The change will allow for flexibility of the control authority's sampling and inspection schedule. This language is also consistent with the Code of Federal Regulations (CFR).

Comment three of the FIPA correspondence is regarding significant noncompliance found in Subparagraph 62-625.500(2)(b)8, F.A.C. The language was revised to reflect the Federal EPA changes to 40 CFR Part 403. EPA has stated in the *Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes* that "State regulations must be revised, if necessary, to reflect the expanded coverage of standards and requirements in the SNC

definition." The Department's revision is the exact language found in 40 CFR 403.8(f)(2)(v). Since the Department has made this revision using the same wording found in the CFR, no additional revisions were made.

Comments four and eight of the FIPA correspondence are regarding the revision to require a Professional Engineer to sign and seal local limit reports and supporting documentation found in Paragraph 62-625.500(2)(c), F.A.C., and Subsection 62-625.600(16), F.A.C. The Department has removed this requirement from the draft rule.

Comment five of the FIPA correspondence is regarding the revisions made to the enforcement response plan development found in Paragraph 62-625.500(2)(d), F.A.C. The Department's revisions did not limit the types of enforcement a control authority can take; however, additional revisions were made to clarify the intent of the initial revisions. Subparagraph 62-625.500(2)(d)1, F.A.C., was revised to state "describe how the control authority will investigate instances of noncompliance, including, but not limited to, sampling, data review, site visits and inspections." Subparagraph 62-625.500(2)(d)2, F.A.C., was revised to state "describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place." The enforcement response plan shall address, at a minimum, effluent limits violations, self-monitoring and reporting violations, compliance schedule violations, and violations found during inspections."

Comment seven of the FIPA correspondence is regarding the revision made to Subparagraph 62-625.600(1)(e)3, F.A.C. This subparagraph was revised to state "The industrial user shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements" to clarify the subparagraph.

Comment nine of the FIPA correspondence is regarding the revisions to the term "rule" throughout the entire Chapter. The Department revised the sub-units of rules to comply with the Florida Department of State's Rule Numbering and Title Requirements, found in Chapter 1B-30, F.A.C. Subparagraph 1B-30.001(3), F.A.C., states that sub-units of rules are indicated as follows: (a) Subsections by an Arabic numeral in parentheses (e.g., 62-520.300(1), F.A.C.); (b) Paragraphs within a subsection by a lowercase letter in parentheses (e.g., 62-520.300(1)(a), F.A.C.); (c) Subparagraphs within a paragraph by an Arabic numeral followed by a decimal point (e.g., 62-520.300(1)(a)1., F.A.C.); and (d) Sub-subparagraphs within a paragraph by a lowercase letter followed by a decimal point (e.g., 62-520.300(1)(a)1.a., F.A.C.)