

**STATE OF FLORIDA
SITING BOARD**

IN RE: TAMPA ELECTRIC COMPANY,)	
POLK POWER STATION, POLK 2-5)	OGC CASE NO. 12-1566
COMBINED CYCLE CONVERSION)	DOAH CASE NO. 12-3369EPP
PROJECT,)	
<u>PPSA NO. 92-32-A3</u>)	

FINAL ORDER APPROVING CERTIFICATION

An Administrative Law Judge (“ALJ”) with the Division of Administrative Hearings (“DOAH”) submitted a Recommended Order On Certification (“RO”) on August 23, 2013, in this certification proceeding. The RO indicates that copies were served upon counsel for Tampa Electric Company (“TEC”), counsel for the Department of Environmental Protection (“DEP” or “Department”), and counsel for Hillsborough County. The RO also shows that copies were served to counsel for other designated state, regional and local agencies. A copy of the RO is attached hereto as Exhibit A. On September 9, 2013, TEC and the Department filed a Joint Exception to the RO. This matter is now before the Governor and Cabinet, sitting as the Siting Board, for final action under the Florida Electrical Power Plant Siting Act (“PPSA”), Sections 403.501 *et seq.*, Florida Statutes.

BACKGROUND

In this proceeding, TEC seeks certification of the Polk 2-5 Combined Cycle Conversion Project (“Project”), to be located within the existing boundaries of the previously certified Polk Power Station. The Polk Power Station is located in southwest Polk County, 17 miles south of the City of Lakeland and 28 miles southeast of the City of Tampa. The Polk Power Station has five electric generating units and associated

facilities. Polk Units 2 through 5 are simple cycle combustion turbine generators fueled primarily with natural gas. The Project involves converting the four existing simple cycle combustion turbine generator units to combined cycle operation. The Project would be a four-on-one combined cycle unit consisting of the four existing combustion turbine generators, each combined with a new heat recovery steam generator, and a new steam turbine generator. The Project would increase ultimate site capacity for the Polk Power Station from the previously approved 1150 megawatts to 1420 megawatts.

TEC requests that the boundaries of the Polk Power Station site be reduced from 4,348 acres to 2,837 acres to reflect that the original certification required a donation of 1,511 acres to the Board of Trustees of the Internal Improvement Trust Fund as a wildlife management area and recreation area. The donation was completed in 2012.

The Project includes two new transmission line corridors. The proposed “Polk-Pebbledale Corridor” would be a 5.5-mile, single-circuit 230 kV transmission line from the Polk Power Station north to the Pebbledale substation in Polk County. The proposed “Polk-Fishhawk Corridor” would be a single-circuit 230 kV transmission line running west from the Polk Power Station to the Mines substation near the intersection of State Road 674 and County Road 39 in Hillsborough County; from there, north and then west again to connect to a new Aspen switching station to be located near the intersection of County Road 672 and Balm-Boyette Road; and from the Aspen station, two separate 230kV transmission lines would run northeast to the existing Fishhawk substation near the intersection of Fishhawk Boulevard and Boyette Road; a total length of 27 miles. TEC exercised its option under Section 403.5064(1)(b), Florida Statutes, to

allow parties to file alternate transmission line corridors. No alternate corridors were filed or reviewed in this proceeding.

TEC sought and obtained on January 8, 2013, from the Public Service Commission (“PSC”) a final order determining the need for the Project. The PSC determined that the most cost effective and reliable alternative to meet future power needs is the construction of the Project at the Polk Power Station. Among other findings, the PSC determined that the Project would improve fuel diversity and supply reliability, incorporate renewable energy and conservation factors, and is needed to maintain electric system reliability and integrity.

DOAH PROCEEDINGS

The DOAH proceeding was conducted under the PPSA to consider TEC’s application for certification of the Project. On October 4, 2012, TEC filed the site certification application (“Application”) with DEP. DEP transmitted the file to DOAH, on October 11, 2012, and by Notice of Hearing dated October 23, 2012, the ALJ scheduled the certification hearing for June 24-28, 2013. On December 17, 2012, DEP issued its determination that the Application was complete.

The various reviewing agencies submitted reports that recommended approval and certification of the Project. Some of the agencies also proposed conditions of certification. (RO ¶¶ 89-91). No agency opposed certification of the Project. (RO ¶ 94). On May 21, 2013, DEP issued its final Project Analysis Report (“PAR”), which incorporated the comments of the reviewing agencies. (RO ¶ 93). DEP recommended certification of the project, subject to a set of Conditions of Certification (“COCs”). See Department Exhibit 8; RO ¶ 95.

Hillsborough County, the Florida Fish and Wildlife Conservation Commission (“FWC”), and the Southwest Florida Water Management District (“SWFWMD”) each filed notices of intent to be parties. Of these agencies, only Hillsborough County appeared at the certification hearing. Hillsborough County also requested that a public hearing be held within its boundaries so that members of the public who were not parties to the certification hearing would have an opportunity to provide testimony regarding the proposed transmission line corridors. The request was granted and the public hearing was held on June 25, 2013. Public testimony was received and Public Testimony Composite Exhibit 1 was received into the record.

All notices required by law were timely published in accordance with Section 403.5115, Florida Statutes. The certification hearing was held on June 26, 2013. At the conclusion of the hearing, the parties were allowed to file proposed recommended orders (“PROs”). The Transcript of the final hearing was filed with the DOAH on July 12, 2013. The ALJ subsequently issued the RO on August 23, 2013.

SUMMARY OF THE RECOMMENDED ORDER

In the RO, the ALJ recommended that the Siting Board enter a Final Order: (a) approving TEC’s Application to construct, operate, and maintain the Project, including its associated transmission lines, subject to the Conditions of Certification set forth in Department Exhibit 8; (b) approving the increase in ultimate site capacity from the previously approved 1150 megawatts to 1420 megawatts; and (c) modifying the Polk Power Station site boundaries from 4,348 acres to 2, 837 acres, as depicted in TEC Exhibit 5. (RO at page 32).

The ALJ found that the parties stipulated that “there are no disputed issues of fact,” (RO ¶ 1), and “there are no disputed issues of law.” (RO ¶ 106). The ALJ concluded that the evidence presented in this proceeding demonstrated that the Project favorably satisfied all of the factors in Section 403.509(3), Florida Statutes, that the Siting Board must consider in determining whether to certify the Project. (RO ¶¶ 98-105, 110).

RULINGS ON EXCEPTIONS

The case law of Florida holds that parties to formal administrative proceedings must alert reviewing agencies to any perceived defects in DOAH hearing procedures or in the findings of fact of ALJs by filing exceptions to DOAH recommended orders. See, e.g., *Comm'n on Ethics v. Barker*, 677 So.2d 254, 256 (Fla. 1996).

JOINT EXCEPTION

TEC and DEP take exception to lines 3 and 6 of paragraph 36 of the RO, where the ALJ found that the “Polk-Pebbledale Corridor” and “Polk-Fishhawk Corridor” are “250 kV” transmission lines. TEC and DEP state that the ALJ’s reference appears to be a typographical error because the competent substantial record evidence shows that the Polk-Pebbledale and Polk-Fishhawk Corridors are each 230 kilovolt transmission lines. (Lukcic, Tr. p. 24, lines 22-25; p. 25, lines 1-17; TEC Exhibit 4).

Section 120.57(1)(l), Florida Statutes, prescribes that an agency reviewing a recommended order may not reject or modify the findings of fact of an ALJ, “unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence.” § 120.57(1)(l), Fla. Stat. (2010); *Charlotte County v. IMC Phosphates Co.*, 18 So.3d

1089 (Fla. 2d DCA 2009); *Wills v. Fla. Elections Comm'n*, 955 So.2d 61 (Fla. 1st DCA 2007). The ALJ's findings that the "Polk-Pebbledale Corridor" and "Polk-Fishhawk Corridor" are each "250 kV" transmission lines, are not supported by competent substantial evidence.

Therefore, based on the foregoing reasons, TEC and DEP's Joint Exception is granted.

CONCLUSION

The ALJ concluded that the evidence demonstrated that the Project satisfied all of the factors in Section 403.509(3), Florida Statutes; and recommended that the Siting Board enter a Final Order approving the Project subject to the Conditions of Certification. (RO ¶ 110; page 32).

Having reviewed the matters of record and being otherwise duly advised, the Siting Board adopts the ALJ's recommendation.

It is therefore ORDERED that:

A. The Recommended Order (Exhibit A) is adopted in its entirety, except as modified by any rulings in this Final Order, and is incorporated by reference herein.

B. TEC's Application for Certification to construct, operate, and maintain the Polk 2-5 Combined Cycle Conversion Project, including its associated transmission lines, is APPROVED, subject to the Conditions of Certification set forth in Department Exhibit 8, attached hereto as Exhibit B;

C. TEC's request to increase the ultimate site capacity for the Polk Power Station site from the previously approved 1150 megawatts to 1420 megawatts, is APPROVED; and

D. TEC's request to modify the Polk Power Station site boundaries from 4,348 acres to 2,837 acres, as depicted in TEC Exhibit 5, is APPROVED;

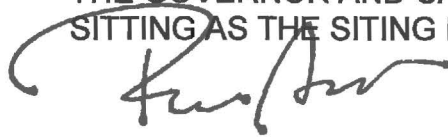
E. Authority to assure and enforce compliance by TEC and their agents with all of the Conditions of Certification imposed by this Final Order is hereby delegated to DEP.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to 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, M.S. 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 this Final Order is filed with the clerk of the Department.

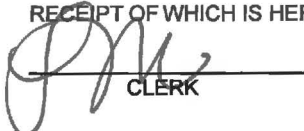
DONE AND ORDERED this 11th day of December, 2013, in Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting held on November 19, 2013.

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD



THE HONORABLE RICK SCOTT
GOVERNOR

FILING IS ACKNOWLEDGED ON THIS DATE,
PURSUANT TO § 120.52, FLORIDA STATUTES,
WITH THE DESIGNATED DEPARTMENT CLERK,
RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.


CLERK

12.11.13
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was provided

by U.S. Mail to:

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and by electronic filing to:

Division of Administrative Hearings
Tallahassee, FL 32399

this 11 day of December, 2013.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A handwritten signature in cursive script, appearing to read "Francine M. Ffolkes", is written over a horizontal line.

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: TAMPA ELECTRIC COMPANY,
POLK POWER STATION, POLK 2-5
COMBINED CYCLE CONVERSION
PROJECT

Case No. 12-3369EPP

RECOMMENDED ORDER ON CERTIFICATION

The certification hearing in this case was held on June 25-26, 2013, in Lithia and Bartow, Florida, before Bram D. E. Canter, an Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

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EXHIBIT A

STATEMENT OF THE ISSUE

The issue to be determined in this proceeding is whether the Governor and Cabinet, sitting as the Siting Board, should certify the Polk 2-5 Combined Cycle Conversion Project ("Project") of Tampa Electric Company ("TEC"), including its associated electrical transmission lines, subject to the proposed Conditions of Certification.

PRELIMINARY STATEMENT

On October 4, 2012, TEC filed its Application for Site Certification ("Application") with the Florida Department of Environmental Protection ("Department"). The Application was distributed to various agencies for review. The Department determined the Application was complete on December 17, 2012.

On January 28, 2013, following the submittal of reports and proposed conditions for certification from the reviewing agencies, the Department issued its Project Analysis Report for the transmission line portion of the Project and, on April 26, 2013, issued its Project Analysis Report for the power plant portion of the Project. The reports included the Department's recommended Conditions of Certification. On May 21, 2013, the Department filed a revised Project Analysis Report.

Hillsborough County, the Florida Fish and Wildlife Conservation Commission ("FWC"), and the Southwest Florida Water Management District ("SWFWMD") each filed notices of intent to be

parties. Of these agencies, only Hillsborough County appeared at the hearing.

Hillsborough County requested that a public hearing be held within its boundaries so that members of the public who are not parties to the certification hearing would have an opportunity to provide testimony regarding the proposed transmission line corridors. The request was granted and the hearing was held on June 25, 2013, in Lithia. Public testimony was received and Public Testimony Composite Exhibit 1 was received into the record.

On June 26, 2013, the certification hearing was held in Bartow. TEC presented the testimony of eleven witnesses and TEC/Department Joint Exhibits 1-4 and TEC Exhibits 1-55 were admitted into evidence. The Department presented the testimony of two witnesses and Department Exhibits 1-5, 6A, 6B, 7, and 8 were admitted into evidence. No other party presented testimony or exhibits. Following the hearing, TEC requested and was allowed to supplement TEC/Department Joint Exhibit 4.

The Transcripts of the public hearing and certification hearing proceeding were filed with DOAH. TEC and the Department filed a joint proposed recommended order, which has been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

1. The parties stipulated there are no disputed issues of fact.

2. TEC is an investor-owned electric utility regulated by the Florida Public Service Commission. It is headquartered in Tampa and has supplied electricity to customers in the Tampa Bay area since 1899.

3. TEC's electric service territory covers approximately 2,000 square miles and includes all of Hillsborough County and portions of Polk, Pasco, and Pinellas Counties. TEC has five generating stations, Big Bend, HL Culbreath Bayside, JH Phillips, Polk Power Station, and Partnership Station. The Project is proposed for the Polk Power Station.

Existing Facilities

4. The Polk Power Station was certified pursuant to the Power Plant Siting Act in January 1994. It is located in southwest Polk County, 17 miles south of the City of Lakeland and 28 miles southeast of the City of Tampa. The original site consists of 4,348 acres bordered by the Hillsborough County line on the west; County Road 663 (Fort Green Road) on the east; County Road 630, Bethlehem Road, and Albritton Road on the north; and State Road 674 and several former phosphate clay settling ponds on the south.

5. The Polk Power Station has five electric generating units and associated facilities. Polk Unit 1 is 260 megawatt integrated gasification combined cycle facility fired with synthesis gas or "syngas" produced by gasifying coal and other solid fuels. Polk Units 2 through 5 are 165 megawatt simple cycle combustion turbine generators fueled primarily with natural gas.

6. Support facilities at the Polk Power Station include a 755-acre cooling reservoir, oxygen blown gasifier, air separation unit, sulfuric acid plant, slag byproduct storage area, and switchyard. The station is served by four 230 kilovolt ("kV") transmission circuits, a railroad line, and a natural gas pipeline. Water is supplied from four onsite groundwater wells for the cooling water reservoir and other plant processes. Other existing facilities include an administration building, control room, warehouse, and construction management building.

The Proposed Project

Need

7. On January 8, 2013, the Florida Public Service Commission issued its Final Order Granting Certification of Need for Polk 2-5 Combined Cycle Conversion. The Commission determined that the most cost effective and reliable alternative to meet future power needs is the construction of the Project at

the Polk Power Station. The Commission's Final Order is TEC/Department Joint Exhibit 2.

8. Among other findings, the Commission determined that the Project would improve fuel diversity and supply reliability, incorporate renewable energy and conservation factors, and is needed to maintain electric system reliability and integrity.

Power Generation

9. The Project involves the conversion of the four existing simple cycle combustion turbine generator units to combined cycle operation. The Project would be a four-on-one combined cycle unit consisting of the four existing combustion turbine generators, each combined with a new heat recovery steam generator, and a new steam turbine generator.

10. The Project would achieve improved efficiency in electrical power generation. When operated in a simple cycle mode, a combustion turbine generator releases hot gases to the atmosphere. In the proposed combined cycle configuration, this exhaust heat would be routed to the heat recovery steam generators and the steam produced by the heat recovery generators would be routed to the new steam turbine generator to produce additional electricity.

11. The Project is designed to allow the combustion turbine generators to be operated in simple cycle mode when the steam turbine generator is not in service. The combustion turbine

generators may also be operated in simple cycle mode to meet peak power demands.

12. The conversion would increase the nominal net generating capacity of the four existing generators from 660 megawatts to 1,160 megawatts. Total capacity for the Polk Power Station would be increased from 1,150 megawatts to 1,420 megawatts.

13. The proposed generating facilities would be state-of-the-art, incorporating improvements in technology that have occurred over the past 20 years. They are designed by Black & Veatch, an internationally-recognized engineering firm with significant experience in designing similar facilities.

Fuels

14. The four combustion turbine generators would be fired with natural gas as the primary fuel. Ultra-low-sulfur diesel fuel would be the backup fuel. The four heat recovery steam generators would have natural-gas-fired duct burners for peaking operations.

15. The existing onsite natural gas pipeline would provide the natural gas for the Project and the backup ultra-low-sulfur diesel fuel would be stored in existing onsite fuel storage facilities.

Water Use

16. Groundwater withdrawals from four wells are authorized by the current Conditions of Certification for 4.3 million gallons per day ("mgd") on an annual average and 7.6 mgd on a peak monthly average.

17. The Project will require additional water for cooling and plant process water uses. To minimize use of groundwater, TEC would treat and reuse 5.7 mgd of treated reclaimed water from the City of Lakeland. The treated reclaimed water would primarily be used to supply the makeup water for the proposed new cooling tower and the existing 755-acre cooling reservoir, as well as some process water needs. The cooling reservoir would be used for condenser cooling purposes. The new six-cell mechanical draft cooling tower would provide cooling for the Project's auxiliary systems, which would be modified to use the new cooling tower instead of the reservoir.

18. The reclaimed water would be initially provided by the City of Lakeland through a 15-mile pipeline. Later, reclaimed water would be provided by the City of Mulberry and Polk County.

19. The Project systems are designed to maximize water reuse and recycling to reduce groundwater consumption. However, TEC requests that the maximum groundwater withdrawals currently authorized -- 4.3 mgd on an annual average and 7.6 mgd on a peak monthly basis -- be maintained in this certification to ensure

that TEC can reliably and safely operate the facilities and manage water quality and levels in the cooling reservoir during extended periods of low rainfall conditions and in the event there is an interruption in the delivery of reclaimed water.

20. The Project's proposed water uses comply with all applicable agency requirements.

Stormwater and Wastewater Discharges

21. Stormwater and wastewater treatment systems are already in use at the Polk Power Station. These systems would be used for the Project facilities.

22. The proposed facilities will not significantly affect the quantity or quality of stormwater runoff at the Polk Power Station.

23. The current wastewater streams include runoff from industrial areas and process wastewaters. Wastewaters would continue to be collected and treated by the onsite industrial wastewater systems, including the equalization basin, neutralization basin, filtration system, and oil/water separator, and then discharged to the cooling water reservoir.

24. With the addition of the Project, cooling water blowdown from the new cooling tower and treated reclaimed water will be introduced to the cooling reservoir. TEC has a permit for underground injection control wells which it plans to test

for disposal of nonhazardous wastewater such as reverse osmosis reject water from the reclaimed water treatment process.

25. The Project's stormwater and wastewater discharges would comply with all applicable agency requirements.

Air Quality Impacts

26. Construction of the Project facilities at the Polk Power Station would generate fugitive dust emissions. These would be controlled by dust suppression control measures such as watering.

27. The vehicles used by construction workers would release nitrogen oxide, carbon monoxide, and other fuel combustion-related air pollutants. These kinds of emissions from construction equipment would be minimized through the use of ultra-low-sulfur-diesel fuel in various diesel engines.

28. Even under worst-case conditions, the air quality impacts caused by construction activities would be minimal, temporary, and limited to the construction site.

29. The Project qualifies as a major modification to an existing major source. Air quality impacts from plant operations would be primarily nitrogen oxide, sulfur dioxide, and carbon monoxide emissions from the four combined cycle units, particulate emissions from the cooling tower, and various combustion emissions from operation of the emergency diesel generator.

30. Air quality analyses were performed for nitrogen oxides, sulfur dioxide, particulates, and carbon monoxide. The dispersion modeling analyses demonstrate that the Project's air quality impacts would not exceed the applicable regulatory limits and would not cause or contribute to an exceedance of any Prevention of Significant Deterioration Increment or National Ambient Air Quality Standard.

31. For certain air emissions, Best Available Control Technology ("BACT") is required. BACT controls for nitrogen oxide would include the use of dry, low-nitrogen-oxide burners when firing natural gas and water injection when firing ultra-low-sulfur diesel fuel, and the installation of selective catalytic reduction technologies for the combined cycle combustion turbines. For sulfur dioxide emissions and emissions of sulfuric acid mist, BACT controls would include the use of low-sulfur natural gas as a primary fuel and ultra-low-sulfur diesel fuel as a backup fuel.

32. For carbon monoxide and volatile organic compounds, BACT calls for good combustion design and operation. BACT for combustion particulates would be the use of low-ash natural gas as a primary fuel and ultra-low-sulfur diesel fuel as a backup fuel.

33. For the emergency diesel engine, proposed BACT for all pollutants would be compliance with the applicable Standards of

Performance for Stationary Combustion Ignition Internal Combustion Engines, which are federal standards that have been adopted by the Department.

34. Proposed BACT for particulate emissions from the cooling tower is the use of high efficiency drift eliminators.

35. The proposed air quality control technology for the Project and the expected emissions from the Project's construction and operation would comply with all applicable agency requirements.

Transmission Lines and Corridors

36. The Project includes two new transmission line corridors. The proposed "Polk-Pebbledale Corridor" is a 5.5-mile, single-circuit 250 kV transmission line from the Polk Power Station north to the Pebbledale substation in Polk County. The proposed "Polk-Fishhawk Corridor" would be a single-circuit 250 kV transmission line running west from the Polk Power Station to the Mines substation near the intersection of State Road 674 and County Road 39 in Hillsborough County; from there, north and then west again to connect to a new Aspen switching station to be located near the intersection of County Road 672 and Balm-Boyette Road; and from the Aspen station, two separate 230kV transmission lines would run northeast to the existing Fishhawk substation near the intersection of Fishhawk Boulevard and Boyette Road; a total length of 27 miles.

37. TEC exercised its option under section 403.5064(1)(b), Florida Statutes, to allow parties to file alternate transmission line corridors. No alternate corridors were filed or reviewed in this proceeding.

38. TEC used a multidisciplinary team to evaluate alternative corridors for the new transmission lines. The team conducted initial data collection, prepared regional screening maps, identified alternate route segments, developed evaluation criteria, evaluated the routes, and selected the preferred routes. Public participation was a part of this effort.

39. A regional screening map was created to identify existing infrastructure, roads, railroads, rivers and other water bodies, and siting constraints within the study area. TEC has existing transmission line rights-of-way in much of the study area, which together with public road rights-of-way provided co-location opportunities.

40. The Polk-Pebbledale Corridor runs across former phosphate mining lands and follows roads and existing transmission line corridors to a point south of the town of Bradley Junction where it turns to the northeast and follows a transmission line through reclaimed phosphate lands to the intersection with another existing transmission line.

41. In this certification proceeding, no party or non-party expressed opposition to the Polk-Pebbledale transmission line corridor.

42. The Polk-Fishhawk Corridor runs across former and active phosphate mining lands, along road rights-of-way, and agricultural lands. As it approaches the Fishhawk substation, however, it passes through a residential development, referred to as the Fishhawk Community. The portion of the corridor that runs through the Fishhawk Community follows an existing TEC-owned transmission line right-of-way.

43. No developer, agricultural operator, commercial entity, agency, or local government expressed opposition to the Polk to Fishhawk transmission line corridor, but residents of the Fishhawk Community testified in opposition to the corridor at the public hearing held in the Fishhawk community center. Their testimony at the public hearing is discussed later in this Recommended Order.

44. The proposed transmission lines would be installed on steel poles embedded in the ground. Guy wires are generally not needed except where a transmission line makes a large angle turn or guy wires are otherwise necessary for safety and sound engineering. Pole heights would vary from 80 to 135 feet. The typical span length between poles would be 500 to 700 feet, but

it can range up to 1,000 feet, when necessary to avoid natural or manmade obstacles or other siting constraints.

45. The corridors are wider than the rights-of-way that will ultimately be determined in order to allow for flexibility in the final selection of the rights-of-way. The proposed rights-of-way would be reviewed by the agencies to insure compliance with the Conditions of Certification.

46. Each transmission line would be designed, constructed, operated, and maintained in compliance with good engineering practices and all applicable codes, standards, and industry guidelines, including the National Electric Safety Code, the North American Electric Reliability Corporation, the American Society of Civil Engineers, requirements of the Florida Public Service Commission and the Federal Energy Regulatory Commission, the DOT Utility Accommodation Guide, applicable local and state government requirements, and TEC's internal design standards. TEC designs all of its 230 kV transmission lines to withstand a 130-mile-per-hour wind band, which exceeds the criteria in the National Electric Safety Code.

Electric and Magnetic Fields

47. The electric field produced by a transmission line is relatively constant over time. The magnetic field fluctuates over time depending on the load on the line. Electric and magnetic fields have been calculated for each of the

configurations that may be used for the Project, based on the maximum requested voltage and current. The maximum expected levels for the electric and magnetic fields are within the limits in Florida Administrative Code Chapter 62-814.

48. Considerable scientific research has been conducted in the past 30 years to understand the potential health effects associated with electric and magnetic fields. There is general agreement among scientists in national and international health agencies that the available evidence does not show adverse health effects can occur from exposure to the electric and magnetic fields associated with transmission lines.

49. The Department's limits for electric and magnetic fields at the edge of a transmission line right-of-way are lower than the limits recommended by the World Health Organization.

Noise Impacts

50. The noise limits applicable to the Project are those contained in the Polk Land Development Code and the in the rules of the Environmental Protection Commission of Hillsborough County. The Polk County noise limits are 75 decibels, A-weighted measurement ("dBA") from 7:00 a.m. to 9:00 p.m. for non-residential areas and 65 dBA from 7:00 a.m. to 9:00 p.m. for residential areas. The noise requirements applicable to transmission lines in Hillsborough County are 60 dBA from 7:00 a.m. to 10:00 p.m. and 55 dBA from 10:00 p.m. to 7:00 a.m.

51. Noise levels measured at four locations in the vicinity of the Project site varied between 41.9 and 51.1 dBA. Offsite noise levels during construction of Project facilities at the power station would be minimal because of the distance from the construction area to the site boundaries. Noise levels at the power station during operation are not expected to differ significantly from existing levels.

52. Audible noise associated with transmission lines is usually associated with "corona," which is a phenomenon that occurs when there is an irregularity on the surface of the conductors, such as water droplets or other significant particles. If the noise occurs during a rainstorm it is usually masked by the noise of the rain. At other times, corona noise will often be masked by other outdoor noises.

53. Noise calculations were conducted for the proposed transmission lines and ranged from 32.0 to 45.2 dBA. These levels do not exceed the applicable limits.

Wetlands and Terrestrial Ecology

54. The areas proposed for the Project's generating and associated facilities have been altered by the construction and operation of the Polk Power Station. These areas are also surrounded by lands altered by phosphate mining and reclamation. Wildlife habitats have already been destroyed, altered, or

diminished by these activities and no longer have high functional values.

55. Construction activities at the power plant site would not disturb any native or reclaimed wetland or upland habitats.

56. Wildlife species expected to be found onsite would be common species for the region. Only two listed species of special concern were documented at the power station, the American Alligator and Tricolored Heron. They are both found in the reclaimed wetland west of the construction area and would not be affected. Impacts to other wildlife caused by construction at the Polk Power Station would be temporary and insignificant.

57. There are no known threatened or endangered plant species at the Polk Power Station. No reclaimed or natural upland or wetland habitats are proposed to be affected.

58. Wildlife habitats along the proposed transmission line corridors includes pine flat woods, mixed forested uplands, and various wetlands, including cypress forests, mixed hardwood swamps, and marshes. Surrounding land covers are dominated by current or former phosphate mining, farmsteads, or landscaped residential properties. The Balm-Boyette Scrub Preserve, Little Manatee River, Hurrah Creek, Fishhawk Creek, and Little Fishhawk Creek provide the best wildlife habitats along the transmission line corridors, but the corridors would cross these areas where

there are already existing transmission line rights-of-way or roads.

59. Wildlife found along the corridors are species commonly found in the region. No listed species are known to occur. Construction and maintenance of the transmission lines within the corridors would not significantly impact the habitats of fish and wildlife found in these areas.

60. Impacts to vegetation along the transmission line corridors would be minimized by siting the rights-of-way within the most disturbed areas or on existing road and transmission line rights-of-way. TEC would span all open waters such as streams and tributaries. For smaller water crossings and wetlands, the facilities would be co-located with existing linear facilities to minimize impacts. Restrictive clearing practices on forested wetlands would be utilized, removing vegetation selectively. Impacts from filling would be avoided or minimized to the greatest extent practicable through a careful alignment of the transmission line rights-of-way and through the choice of span distances between structures. Where wetland impacts cannot be avoided, the impacts would be minimized and mitigation would be provided.

61. Prior to the final selection of rights-of-way and the beginning of construction, surveys would be conducted to determine the presence of protected plant and animal species and

the results would be shared with the FWC to determine if mitigation may be required in accordance with Conditions of Certification.

Archeological and Historic Sites

62. When the Polk Power Station was first certified and subsequently, archeological surveys were conducted to determine the presence of cultural and historical resources of significance. No such resources were identified.

63. Cultural and historical resources in the study area for the transmission line corridors were evaluated during the corridor selection process. All National Register of Historic Places sites and districts as well as other known cultural resources were mapped and candidate corridors were laid out to avoid those resources. Corridors were laid out to co-locate with other transmission lines and linear facilities that have already disturbed the land to reduce the potential for new disturbances to cultural resources.

64. After the rights-of-way within the corridors have been determined, cultural resource surveys would be conducted to identify the location of any archeological or historical resources and determine potential impacts whether they can be avoided. The surveys would be submitted to the Division of Natural Resources for its review and consideration.

Transportation Impacts

65. No additional transportation impacts are expected from the operation of the Project because there would be no addition to the current Polk Power Station staff of 78 employees to operate all facilities.

66. The construction phase would generate 357 daily trips by construction workers and 50 additional delivery trips. The trip distribution per day is expected to be 228 northbound trips on State Road 37, 82 southbound trips on State Road 37, 75 northbound trips on Fort Green Road, and 22 southbound trips on Fort Green Road. Even at the peak of construction activities, the surrounding roadway network is expected to operate at acceptable levels of service.

Land Use Compatibility

67. The Project facilities would be located within the existing power station site, which is the logical and efficient location for the Project. There are no conflicting land uses in the vicinity of the Project site.

68. Most of the land uses along the corridors are former and active phosphate mining lands, undeveloped lands, agriculture, and rural residences. The key exception is the segment of the Polk-Fishhawk Corridor that runs through the developed Fishhawk Community, which is a suburban residential area. Transmission lines of the types proposed are frequently

located in proximity to all of these affected land uses, including the suburban residential areas.

69. It is officially recognized that many people, if given a choice, would prefer not to have high voltage transmission lines near their homes, primarily based on aesthetic considerations. However, it is also officially recognized that many people are willing to live near transmission lines. Until there is a practical alternative to above-ground transmission lines, they will have to be located in developed areas in order to supply electricity to residences. The proposed transmission lines are not incompatible with residential uses.

70. Polk County and Hillsborough County do not oppose the Project on any basis, including land use compatibility. The Project is consistent with the comprehensive plans and the land development regulations of these counties.

Socioeconomic Impacts

71. The Project would provide additional clean and reliable energy, additional jobs during construction, an increased property tax base, and increased economic activity in the form of purchases of goods and services.

72. Local revenues from property taxes levied on the new plant facilities would primarily benefit Polk County. The estimated additional property tax revenue is between \$6 million and \$6.5 million annually.

73. Significant revenues are also expected from sales taxes on goods purchased directly for the plant or indirectly from purchases of goods and services by the construction workers. Sales taxes are estimated to be \$105,000 per year.

74. Construction of the Project would employ an average of 250 workers, with a peak projected in 2015 of about 500 workers. Most of the construction workers would be drawn from an area within a commuting distance from the Project site. The construction payroll for the overall Project is expected to be \$88 million and much of this would likely be spent in Polk County and the region.

Site Boundaries

75. TEC requests that the boundaries of the Polk Power Station site be reduced from 4,348 acres to 2,837 acres to reflect that the original certification required a donation of 1,511 acres to the Board of Trustees of the Internal Improvement Trust Fund as a wildlife management area and recreation area. The donation was completed in 2012.

Construction Schedule

76. Construction of the project is anticipated to begin in January 2014 and be completed in time to allow commercial operation in January 2017.

Public Notice and Participation

77. TEC engaged in extensive public outreach for the Project, using direct mail, a survey, public meetings, newspaper advertisements, a project webpage, a toll-free telephone number for information, and communications with agencies and public officials.

78. TEC used two direct mailings, totaling over 10,000 letters in both English and Spanish. The letters were mailed to landowners and residents within one-quarter mile of the proposed transmission line corridors, all homeowners' associations within one mile, and all landowners and residents within three miles of the plant site boundaries.

79. Three public meetings were held regarding the Project. The first meeting was held on April 10, 2012, at the Little Union Baptist Church. The second was on April 12, 2012, at the Fishhawk Fellowship Church. The third was on April 19, 2012, at the Wimauma Senior Center.

80. TEC held meetings with county commissioners, mayors, state senators, and state representatives to inform them of the Project and the certification process. TEC representatives also met with developers in Hillsborough County who could be affected by the corridors to provide information and answer questions.

81. Copies of the Application were available for inspection at the Polk County Library in Bartow and the John Germany Public

Library in Tampa. A copy was also available for public review at TEC's offices in Tampa.

82. On October 24, 2012, public notice of the filing of the Application was published in The Tampa Tribune and The Ledger. On April 18, 2013, notice of the Certification Hearing was published in The Tampa Tribune and The Ledger and on April 19, 2013, in the Tampa Bay Times. When the certification hearing was rescheduled, TEC published notice of the rescheduling in The Tampa Tribune, The Ledger, and the Tampa Bay Times on June 16, 2013.

83. The Department published notices of the Application, the certification hearing, the public testimony hearing, and rescheduling the certification hearing in the Florida Administrative Register. Hillsborough County published notice of the public testimony portion of the proceeding in The Tampa Tribune on June 19, 2013.

Public Testimony

84. A hearing was held in Lithia, Florida, on June 25, 2013, in the Fishhawk Community to provide members of the public who are not parties to the certification proceeding an opportunity to present sworn testimony concerning the transmission line portion of the Project. Twelve members of the public testified. Eight comment letters were received into the record as Public Testimony Composite Exhibit 1.

85. A number of the residents expressed anger about what they perceived as the failure of the developer who sold them their homes, and TEC, to disclose to them that a transmission line might be constructed near their homes. As previously stated, the corridor is on property owned or controlled by TEC for the installation of transmission lines. The record evidence does not indicate any duty to disclose, any misrepresentation, or any obfuscation by TEC in this regard. If there was a failure to disclose or a misrepresentation by the developer, those are matters between the homeowners and the developer and beyond the scope of this proceeding.

86. Several residents expressed concern about possible adverse health effects from exposure to electric and magnetic fields associated with the transmission lines. However, no speaker referred to personal knowledge or to any study results to support their comments on this subject. It is likely, therefore, that their concerns are based on rumors or speculation. As discussed above, independent scientists have not been able to substantiate the occurrence of adverse health effects from exposure to the electric and magnetic fields associated with transmission lines.

87. There is a tennis court and there are nature trails underneath existing transmission lines located in another part of

the Fishhawk Community, indicating that the fear of electrical and magnetic fields is not universal.

88. Some residents urged that TEC be required to install the portion of the transmission line in the Fishhawk Community underground. There are substantial engineering difficulties associated with underground installation of high voltage transmission lines. TEC has never installed this type of transmission line underground. The cost for underground installation could be as much as 15 times greater than for overhead installation.

Agency Reports

89. Agency reports with proposed conditions of certification were submitted to the Department by SWFWMD, FWC, Florida Department of Transportation, Hillsborough County, and Hillsborough County Environmental Protection Commission.

90. Agency Reports without recommended conditions of certification were submitted by the Florida Department of Economic Opportunity, Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Polk County.

91. The Department of State, Division of Historical Resources did not file an agency report, but recommended conditions in its Completeness Review.

92. On January 28, 2013, The Department issued its Project Analysis Report for the transmission line portion of the Project,

incorporating the reports of the reviewing agencies and proposing Conditions of Certification.

93. On April 26, 2013, the Department issued its Project Analysis Report on the power plant and proposed Conditions of Certification. The Report was modified on May 21, 2013.

94. No agency opposes certification of the Project.

Conditions of Certification

95. The Department recommends certification of the Project subject to the revised Conditions of Certification set forth in Department Exhibit 8, which supersedes all prior statements of conditions. The Conditions of Certification address numerous subjects and are designed to ensure that the construction and operation of the Project is protective of the public and the environment.

96. The Conditions of Certification provide for post-certification reviews and investigations to confirm, for example, that sensitive areas will be avoided and that transmission lines structures will avoid or have minimal adverse impacts.

97. TEC has agreed to construct, operate, and maintain the Project in compliance with the Conditions of Certification. No variances or exemptions from applicable state, regional, or local standards or ordinances have been requested or are needed for the construction, operation, and maintenance of the Project.

Certification Considerations

98. In determining whether TEC's application for the Project should be approved, approved with conditions, or denied, the Siting Board must determine whether, and the extent to which, the location, construction, and operation of the Project would:

- (a) Provide reasonable assurance that the operational safeguards are technically sufficient for the public welfare and protection.
- (b) Comply with applicable nonprocedural requirements of agencies.
- (c) Be consistent with applicable local government comprehensive plans and land development regulations.
- (d) Meet the electrical energy needs of the state in an orderly, reliable, and timely fashion.
- (e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.
- (f) Minimize, through the use of reasonable and available methods, the adverse affects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.
- (g) Serve and protect the broad interests of the public.

§ 403.509(3), Fla. Stat.

99. The evidence presented demonstrates that the location, construction, and operation of the Project would provide reasonable assurance that the operational safeguards are technically sufficient for the public welfare and protection.

100. The evidence presented demonstrates that the location, construction, and operation of the Project would comply with applicable nonprocedural requirements of agencies.

101. The evidence presented demonstrates that the location, construction, and operation of the Project would be consistent with applicable local comprehensive plans and land development regulations.

102. The evidence presented demonstrates that the location, construction, and operation of the Project would meet the electric energy needs of the state in an orderly, reliable, and timely fashion.

103. The evidence presented demonstrates that the location, construction, and operation of the Project would effect a reasonable balance between the need for the facility as established pursuant to section 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state.

104. The evidence presented demonstrates that the location, construction, and operation of the Project would minimize, through the use of reasonable and available methods, the adverse

effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

105. The evidence presented demonstrates that the location, construction, and operation of the Project would serve and protect the broad interests of the public.

CONCLUSIONS OF LAW

106. The parties stipulated that there are no disputed issues of law.

107. This certification proceeding is governed by the Florida Electrical Power Plant Siting Act, chapter 403, Part II, Florida Statutes, and Florida Administrative Code Chapter 62-17.

108. TEC, the Department, Hillsborough County, SWFWMD, and FWC have standing to participate as parties.

109. Public notice was provided in compliance with the requirements of section 403.515 and other applicable law.

110. The evidence presented in this proceeding demonstrates that the Project favorably satisfies all of the factors in section 403.509(3) that the Siting Board must consider in determining whether to certify the Project.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Siting Board enter a final order:

a. approving TEC's application for certification to construct, operate, and maintain the Polk 2-5 Combined Cycle Conversion Project, including its associated transmission lines, subject to the Conditions of Certification set forth in Department Exhibit 8;

b. approving the increase in ultimate site capacity for the Polk Power Station site from the previously approved 1150 megawatts to 1420 megawatts; and

c. modifying the Polk Power Station site boundaries from 4,348 acres to 2,837 acres, as depicted in TEC Exhibit 5.

DONE AND ENTERED this 23rd day of August, 2013, in Tallahassee, Leon County, Florida.



BRAM D. E. CANTER
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Filed with the Clerk of the
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

Tampa Electric Company
Polk Power Station
IGCC Unit 1
Units 2-5 Combined Cycle Conversion

PA 92-32A3

XXXXXXXXXXXXXX

EXHIBIT B

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Attachment D	Land Donation/Transfer
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Appendix I	NPDES Permit (FL0043869)
Appendix II	UIC Permit (0281232)

SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.) and Chapter 62-17, Florida Administrative Code (F.A.C.); this certification is issued to Tampa Electric Company (TEC) as owner/operator and Licensee of Polk Power Station (PPS) – Units 1 and 2. Subject to the requirements contained in these Conditions of Certification (Conditions), TEC will operate a 1420 megawatt (MW) ultimate site capacity. These units are located in Polk County, Florida. The UTM coordinates are: Zone 17, 402.45 km East and 3067.35 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

A. The Certified Facility includes but is not limited to the following major plant and associated facilities;

Unit 1 260MW integrated gasification combined cycle unit
Unit 2 (Units 2-5 combined) 1160 MW combined cycle generating unit
755 acre cooling reservoir
CSX Transportation, Inc. rail spur
Florida Gas Transmission natural gas pipeline
PPS-Mines/Pebbledale transmission line
PPS-Lakeland wetland treatment system reclaimed water pipeline corridor (will

shrink to ROW)

The following corridor segments and substations are shown in Attachment A (Maps);

- PPS – Fishhawk transmission line corridor (will shrink to ROW)
- PPS – Pebbledale transmission line corridor (will shrink to ROW)

B. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the certified facility. If a conflict should occur between the design criteria of this certified facility and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

C. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation in Attachment A (Maps). The notification shall be accompanied by an updated land survey map (or legal description) and aerial photograph delineating the new boundaries of the site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the

SECTION A: GENERAL CONDITIONS

electrical power plant's generating facility and on-site support facilities are located to be the boundaries of the site.

D. If both certified and uncertified facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas within the site; and an aerial photograph delineating the boundaries of the certified areas within the site. The boundaries of the certified areas within the site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The survey map and the aerial photograph shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps).

E. Within 120 days after completion of construction of any off-site associated non-linear facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas for each off-site non-linear certified facility; and an aerial photograph delineating the boundaries of the certified area for each off-site non-linear certified facility. The survey map(s) and aerial photograph(s) shall be known as Delineation of the Certified Areas of the Offsite Non-linear Facilities and attached hereto as part of Attachment A (Maps).

F. Within 180 days after completion of construction of any new off-site associated linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area for the linear facilities, following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as the Delineation of Certified Off-Site Linear Facilities and attached as part of Attachment A (Maps).

Following any post-certification approvals that require a change to the boundaries of the certified area(s) depicted in the Delineation of Certified Off-Site Linear Facilities in Attachment A (Maps), the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Sections 403.511, 403.5113, F.S.; subsections 62-4.160(1-2) and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation and maintenance of the Power Plant Station shall be in accordance with all applicable non-procedural provisions of F.S. and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit or as otherwise provided under Chapter 403:

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Florida Administrative Codes:

18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)

SECTION A: GENERAL CONDITIONS

62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40D-4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)
40D-40 (Standard General Environmental Resource Permits)
Basis of Review for ERP Applications

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

[Section 403.511(5)(a) and (b), F.S.; subsection 62-4.160(10), F.A.C.]

IV. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 372, and 403, F.S., and any regulation adopted pursuant thereto and the statutes and regulations of any agency and the definitions set forth below. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

A. “Application” means the Site Certification Application (SCA) for the Polk Power Station Project, as supplemented.

B. “Associated Facilities” is defined by Section 403.503(7), F.S.

SECTION A: GENERAL CONDITIONS

C. “Certified Area” means the area within the site in which the certified facilities are located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified easements and/or ROWs.

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, reclaimed water pipelines and pump stations and related structures. This term shall also mean linear and associated facilities, including but not limited to: reclaimed water pipelines and pump stations, transmission lines, natural gas pipelines, and compressor stations.

E. “DEP” or “Department” means the Florida Department of Environmental Protection.

F. “DHR” means the Florida Department of State, Division of Historical Resources.

G. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

H. “Feasible” or “practicable” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

I. “FWC” means the Florida Fish and Wildlife Conservation Commission.

J. “ISO” shall mean International Organization for Standardization, ISO 3977-1978 (E) standard conditions for gas turbines = 14.7 psia, 15°C, relative humidity 60 percent.

K. “Licensee” means an applicant that has obtained a certification order for the subject project.

L. “Power plant” shall mean the electric power generating equipment and appurtenances to be constructed on the Polk Power Station site in Polk County, as generally depicted in the Application.

M. “Project” shall mean the TEC Polk Power Station (PPS) and all associated facilities, including: the power plant, coal gasification plant, sulfuric acid plant and related facilities, and the cooling reservoir and related facilities.

N. “ROW” means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in section 403.503927), F.S.

O. “SWFWMD” means the Southwest Florida Water Management District, respectively.

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V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified parts of facility ID 1050233 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above:

<http://appprod.dep.state.fl.us/air/emission/apds/default.asp>.

[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

B. Water

1. NPDES Industrial Wastewater Discharge

Licensee shall comply with all applicable provisions of NPDES Permit No. FL0043869 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-620, F.A.C.]

2. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC permit No. 0281232 (attached as Appendix II) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-528, F.A.C.]

3. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

a Generic Permit for Stormwater Discharge from Large and Small Construction Activities must be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

4. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

SECTION A: GENERAL CONDITIONS

Any storm water discharges associated with industrial activity on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system, and fall under any one of the 11 categories of industrial activities identified in 40 CFR § 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

5. NPDES Generic Permits for Discharge of Produced Ground Water from any Non-Contaminated Site Activity and from Petroleum Contaminated Sites.

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

6. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C. and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in the record in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as set forth in the record of the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility.

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[Sections 403.511 (2)(a) and 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this certification, the Licensee shall notify the Southwest District office of the DEP by telephone within a working day that said noncompliance occurs and shall confirm this in writing at 13051 North Telecom Parkway, Temple Terrace, FL 33637 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Licensee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials not confined to a building or similar containment structure to the Department by phone immediately after the discovery and submit a written report within forty-eight (48) hours, excluding weekends, from the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

B. The Licensee shall promptly notify the SCO in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

[subsection 62-4.160(15), F.A.C.]

C. Within 60 days after certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state whether the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county within 30 days after completion of the right-of-way acquisition.

[Section 403.5112, F.S.]

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

A. Replacement of all or a portion of a transmission line(s) or natural gas pipeline certified under the TLSA or the NGPSA that is necessary to restore system integrity following an

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emergency as defined by Sections 252.34(6), (7) or (9), F.S., and requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its relief. The report shall be a written description of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

B. The Department will use its enforcement discretion when evaluating violations that result from operating the certified facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the SCO and the appropriate DEP District Office when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Sections 403.511, 403.531, and 403.9416, F.S.]

IX. CONSTRUCTION PRACTICES

A. *Local Building Codes*

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any certified facility. The Licensee is not required to obtain building permits for certified facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes. Such fees and compliance with such construction codes are outside the scope of this certification.

[Section 403.511(4), F.S.]

B. *Open Burning*

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

[Chapters 5I-2 and 62-256, F.A.C.]

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C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 4 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/710020001.pdf>) shall serve as guidelines for best management practices.

E. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

H. Existing Wells

Any existing wells to be impacted in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

[subsections 62-532.400 and 62-532.500(5), F.A.C.]

I. Abandonment of Existing Septic Tanks

Any existing septic tanks to be impacted by construction and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

[Chapter 64E-6, F.A.C.]

X. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the certified facility and any authorized off-site mitigation/compensation or otherwise associated areas:

1. At reasonable times, to enter upon the certified facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or
2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

[paragraph 62-4.160(7)(a) and subsection 62-4.160(15), F.A.C.]

XI. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or, the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department can act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the Conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the Conditions will not be achieved.

[Sections 120.57, F.S. and Rule 62-17.211, F.A.C.]

XII. SEVERABILITY

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

XIII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

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B. All records, notes, monitoring data and other information relating to the construction or operation of the certified facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, 403.514, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512 and 403.532, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the certified facility that are the cause of such action, and other portions of the certified facility shall remain unaffected by such action.

[Sections 403.512, F.S.; subsection 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., the issuance of this license 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 any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the certified facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this certified facility, or from penalties therefore.

[subsections 62-4.160(3) and 62-4.160(5), F.A.C.]

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

[Sections 403.141, 403.161, 403.511, F.S.]

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XVII. USE OF STATE LANDS

A. The issuance of this license 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 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.

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the certified facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the certified facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: “No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the certified facility shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed.

[Chapters 253 and 258, and Sections 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XVIII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or condition of certification shall be interpreted to preclude the post-certification exercise by any

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party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Sections 403.511(5)(c), F.S.]

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions specify otherwise or unless the Licensee and the Department are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection
Siting Coordination Office, MS 48
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

Florida Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637

Florida Department of Economic Opportunity (Formerly DCA)
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, Florida 34609-6899

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Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250

Polk County
Office of General Council
POB 9000
Bartow, FL 33831-9000

[Section 403.511, F.S.]

Hillsborough County
Office of the County Attorney
601 E. Kennedy Boulevard, 27th Floor
Tampa, FL 33602-4932

Environmental Protection Commission of Hillsborough County
Office of General Counsel
3629 Queen Palm Drive
Tampa, FL 33619-1309

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the transmission line ROW and the construction and maintenance of the transmission line and the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action.

B. Filings

All post-certification submittals of information by TEC are to be filed with DEP. Copies of each submittal shall be simultaneously submitted to any other agency indicated in the specific conditions requiring the post-certification submittals.

[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]

C. Completeness

The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete TEC shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness.

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D. Interagency Meetings

Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

E. Determination of Compliance

Within ninety (90) days of the filing of a complete post-certification submittal, DEP shall give written notification to TEC and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, TEC shall be notified with particularity and possible corrective measures suggested. Failure to notify TEC in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, TEC may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review.

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions.

[Sections 120.569, 373.413, 373.416, 403.511, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these Conditions where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, and wildlife surveys. The summary shall be provided to the SCO, in a sortable spreadsheet, via email, in the format identified below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements

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Summary shall be required for only those resulting in new or altered post-certification requirements.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

[Section 403.5113, F.S.; Subsection 62-17.191(3), F.A.C.]

XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the Certification.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Sections 403.516, F.S.

[Section 403.5113, F.S.]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately DEP-issued permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made

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without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

D. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A (Maps), must be accompanied by a map or aerial photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

XXIV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the facility constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXV. TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the certified facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall: identify the intended new certification holder or Licensee; identify current and new entity responsible for compliance with the certification; and include a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations. Upon receiving a complete notice of intent, the transfer shall be approved by the Department unless the Department objects to the transfer on the grounds that the new Licensee will be unable to comply with the Conditions of Certification, specifies in writing its reasons for its objections, and gives notice and an opportunity to petition and administrative hearing pursuant to Section 120.57, F.S. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of the Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the certified facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for transfer of certification, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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[Chapter 120, F.S.; Rule 62-17.211, F.A.C.]

XXVI. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/labs/library/lab_sops.htm

[Chapter 62-160, F.A.C.]

XXVII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1), and 62-312.900(1), as applicable.

These forms may be submitted; a) concurrently with a SCA, an amendment request, or a petition for modification; or b) as a post-certification submittal following approval of a project through certification, an amendment, or a modification. Such ERP applications, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after project approval and prior to construction) shall be processed in accordance with Section A. Condition XXII. Procedures for Post-Certification Submittals.

No construction shall commence until the appropriate notification from the Department has been received, or in the case of post-certification submittals the time period for notification by the Department has expired.

b. The Licensee shall submit a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval.

[Chapter 62-340, F.A.C.]

[Section 373.416, F.S.; subsections 62-312, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) and 62-346.900(1), F.A.C.]

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2 Construction, operation and maintenance of the proposed project (including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities) shall satisfy any applicable non-procedural requirements in the Department rules.

[Section 373.414, F.S.; paragraph 62-17.665(7)(d), F.A.C.]

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Condition XXVIII. A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department until construction in the project-specific delineated wetlands is approved under this certification or by a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management

1. Surface water management systems will be evaluated under Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

2. All construction, operation, and maintenance of the surface water management system(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the ERP Application form and the surface water management system operation/management plans approved by this license. The Department approved surface water management system operation/management plans shall be incorporated herein as Attachment B, as well as any subsequent alterations, amendments, and/or modifications thereto. Any subsequent alterations, amendments, or modification to the approved surface water management system and/or operation/management plans shall require prior approval from the Department.

3. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater

SECTION A: GENERAL CONDITIONS

Management Academy, June 2007). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the surface water management system described in the DEP ERP Application Form, as part of a postcertification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the surface water management system.

5. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-343.900(3) or 62-346.900(3), F.A.C., as applicable), indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the Licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (DEP Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

6 Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of site infrastructure located within the area served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit to the SCO and DEP District Office a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification by a Registered Professional" (DEP Form 62-343.900(5) or 62-346.900(4), F.A.C., as applicable). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or COCs, may constitute grounds for revocation or enforcement action by the Department. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

9. Prior to the operation of any new surface water management system, the Licensee shall submit to the Department a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (DEP Form 62-343.900(7), F.A.C). The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

[Chapters 62-25, 62-302, 62-330, 62-343 62-346, and Rule 62-4.242, F.A.C.]

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C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible. Except as otherwise provided in Chapter 62-341, F.A.C., when unavoidable impacts to wetlands will occur, an applicant may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition XXVIII. A.1.a above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition XXVIII. A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment B.

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXVIII. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the certified site/area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

[Sections 403.506(1), F.S.]

XXIX. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

[subsection 62-4.160(6), F.A.C.]

XXX. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the Site in either hard copy or electronic form.

B. The Licensee shall have available at the site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials may be maintained in either hard copy or electronic format and shall be retained at least three (3) years

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from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

[subsection 62-4.160(12) and paragraph 62-4.160(14)(b), F.A.C.]

XXXI. WATER DISCHARGES

A. Discharges

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters, and for which an effluent limitation has been included in Facility NPDES Permit No. FL0043869. All discharges to groundwater and activities must be conducted so as to not cause a violation of the applicable groundwater standards in Chapters 62-520 and 62-550, F.A.C., except as provided in Consent Order No. 01-0122.

2. All discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

B. Wastewater Incident Reporting

1. The Licensee shall report to the appropriate district office any noncompliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.

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The Licensee shall provide the following information, to the extent known, to the applicable DEP District Office in the 24-hr oral report:

- a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
- b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided within five days of the time the Licensee 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.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, 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 Licensee 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.

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3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[Chapter 403, F.S.; subsection 62-620.610(20), F.A.C.]

XXXII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within the certified facility during construction, operation, and maintenance.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste and Used Oil

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-710, F.A.C., for any used oil and used oil filters generated within the certified facility.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-737, F.A.C., for any spent mercury-containing lamps and devices generated within the certified facility.

[Chapters 62-710, 62-730 and 62-737, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

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D. Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within the certified facility during construction and operation.

[Chapters 62-710, 62-737, and 62-740, F.A.C.]

E. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

XXXIII. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensees is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770,

SECTION A: GENERAL CONDITIONS

F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

Storage tank systems shall be taken out-of-service and/or closed as necessary in accordance with Rules 62-761.800 and 62-762.801, F.A.C., as applicable.

SECTION B: PLANT SPECIFIC CONDITIONS

SECTION B: PLANT SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Industrial Wastewater*

1. The Licensee shall assure that the sludge filter cake generated from the industrial wastewater treatment plant will meet the leachate standards established by the Toxicity Characteristic Leaching Procedure and is dewatered such that it passes the Paint Filter Test prior to its disposal in an offsite Class I landfill permitted to receive nonhazardous industrial waste.

2. The solids generated by the brine concentration system should be concentrated or dewatered to obtain a solids content of 50 percent or greater prior to disposal off-site.

3. Water Treatment Systems

a. Low Volume Wastes - All discharges of low volume wastes shall be treated in an adequately sized and constructed treatment facility prior to discharge into the cooling pond. TEC shall demonstrate that the discharge of reject water from the wastewater treatment plant will not cause or contribute to a violation of water quality standards at the POD from the cooling pond. Such demonstration will include as a minimum the testing of treated discharges as required by Condition I.B.12.

b. Submission of Plans - The Licensee shall submit to the Department at least ninety (90) days prior to start of construction of the industrial waste treatment system a set of drawings, signed and sealed by a professional engineer registered in the state of Florida, showing the construction details of the proposed lime/soda ash pretreatment system and multi-stage reverse osmosis system.

c. Record Drawings for the Reclaimed water treatment system, neutralization system and the High-Temperature Syngas Cleanup and Carbon Capture and Sequestration Treatment System-

i. Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the licensee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities. [62-620.410(7)]

ii. Within six months after a facility is placed in operation, the permittee shall submit to the Department's SWD, record drawings and written certification on Form 62-620.910(13) that a copy of the record drawings pursuant to Chapter 62-600, F.A.C., is available at the location specified on the form. [62-620.410(6)]

d. Chemical Metal Cleaning - Chemical metal cleaning wastes shall be disposed of on-site in accordance with the provisions of NPDES Permit No. FL0043869 or off-site in an approved treatment system or disposal area. Prior to operation, TEC shall provide the name and address of the firm holding the contract for off-site disposal to the Southwest District office of the DEP.

SECTION B: PLANT SPECIFIC CONDITIONS

4. The Licensee shall ensure that construction and subsequent operation of the cooling pond, and its system of above-grade internal dikes and external berms shall be in strict accordance with the best engineering practices, using Chapter 62-672, F.A.C., where applicable as a guide.

5. The Licensee shall ensure that a vegetative or non-vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed dam surfaces. Such vegetation shall be maintained by the Licensee sufficiently low enough to permit visual inspection of the soil surfaces in critical areas outlined in Section 62-672.400(1), F.A.C.

6. The Licensee shall, at a minimum, inspect the cooling pond once per week as prescribed in Section 62-672.500(2), F.A.C.

7. An inspection of the cooling pond berms shall be conducted annually by a professional engineer registered in Florida experienced in the field of construction and maintenance of dams. A copy of the inspection report shall be furnished, upon receipt by the Licensee, to the Department for review [Section 62-672.500(5), F.A.C.].

8. The Licensee shall ensure that the cooling pond will be designed, constructed and operated to maintain a surge capacity equal to the runoff from a 100-year, 24-hour rainfall event, plus the flow of all process water diverted from the power plant operation.

9. The Licensee shall dispose of all waste oil collected from the oil/water separator in a Department approved manner.

10. The Licensee shall not allow any waste sludge or other solid waste to be discharged into the receiving waters either directly or indirectly.

11. During the period of operation authorized by this license, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]

12. Sampling and Design

Within twelve (12) months from commencement of operation of the IGCC, each of the waste streams discharged to the cooling reservoir shall be properly characterized through an approved sampling and analytical protocol.

a. Ninety (90) days prior to operation of the unit producing the listed waste stream, TEC shall submit for approval a sampling and analysis plan identifying the expected frequency of each wastewater discharge, appropriate sampling parameters, expected variability of the wastewater stream quality and a proposed sampling schedule.

b. The sampling plan shall also include an assessment of the effectiveness of each of the wastewater treatment units prior to discharge to the cooling pond. Effluent sampling shall be conducted for each unit through a plan submitted as specified in Condition I.C.1.

c. Upon approval by the Department, the sampling and analysis plan specified in Condition I.C.1. shall be implemented.

13. The Licensee is authorized to use and treat reclaimed water from the City of Lakeland as an alternative supply to ground water for cooling reservoir make up water.

SECTION B: PLANT SPECIFIC CONDITIONS

14. The Licensee is authorized to provide treatment for Polk Unit 1 to remove sulfur, reduce trace contaminants and convert removed sulfur compounds to elemental sulfur. Carbon dioxide in the cleaned syngas will be temporarily captured. The Licensee shall notify the Department within 30 days of the completion of the pilot project.

15. Monitoring requirements under these Conditions are effective on the first day of the second month following the issuance of Modification N. Until such time, the licensee shall continue to monitor and report in accordance with previously effective Condition requirements, if any. During the period of operation authorized by these Conditions, the licensee 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 these Conditions. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	Mail or Electronically Submit by
Monthly or Toxicity	first day of month - last day of month	28th day of following month
Quarterly	January 1 - March 31	April 28
	April 1 - June 30	July 28
	July 1 - September 30	October 28
	October 1 - December 31	January 28
Semiannual	January 1 - June 30	July 28
	July 1 - December 30	January 28
Annual	January 1 - December 31	January 28

The licensee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the licensee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall submit the completed DMR forms to the Department postmarked by the twenty-eighth (28th) of the month following the month of operation at the addresses specified below:

Originals to:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies to:

Florida Department of Environmental Protection
Compliance Assurance Program Attn: Industrial Wastewater
Southwest District Office

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13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

Siting Coordination Office
SCO@dep.state.fl.us

If submitting electronic DMR forms, the licensee shall use the electronic DMR system(s) approved in writing by the Department and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. [62-620.610(18)]

The Licensee may submit electronic DMRs (eDMRs). Additional information and application forms can be found at the following website:

<http://www.dep.state.fl.us/water/wastewater/wce/edmr/>

For additional information on wastewater electronic reporting, please contact the eDMR Administrator by email at eDMRadmin@dep.state.fl.us or by phone at (850) 245-8567.

[Rules 62-620.610(18) and 62-601.300(1),(2), and (3), F.A.C.]

B. Industrial Wastewater Ground Water Monitoring

1. The Licensee shall comply with the requirements of the approved Polk Power Station (PPS) Groundwater Construction, Operation and Maintenance Requirements (GWCOMR) – Industrial Wastewater (Attachment C-1 to these Conditions). A violation of the requirements of the GWCOMR shall be a violation of these Conditions.

TEC shall abide by the conditions of the approved site-wide GWCOMR and any subsequent modification thereof for the continued authorized discharge of industrial waste water to ground water. Such provisions shall be fully enforceable as conditions of this certification.

a. The requirements of the GWCOMR shall include, but not be limited to, at least the following:

- i. monitoring well construction requirements,
- ii. updated aerial showing all monitoring wells (existing and new),
- iii. a description of the complete IWW system including IWW treatment systems, and monitoring wells,
- iv. parameters to be sampled at each monitoring well,
- v. monitoring frequencies, and
- vi. operation requirements.

b. The GWCOMR shall be revised to comply with the provisions contained in Rules 62-620.325 and 62-620.345, F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Section 301(b)(2)(C) and (D),

SECTION B: PLANT SPECIFIC CONDITIONS

304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, by change in the effluent standards, limitations, or water quality standards previously issued or approved. Revisions to the GWMOMR which involve the following shall be considered a modification to these Conditions and shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C. as applicable.

- i. New major sources or deletion of existing major sources of wastewater;
- ii. Improvements made to existing, or new wastewater treatment facilities including those which provide for a new or expanded land application system which will result in an increase in the permitted capacity;
- iii. Incorporation of newly promulgated applicable rules which are not currently reflected in the License or promulgated rules which are more stringent than the existing conditions in the License;
- iv. Pollutants not addressed in the GWCOMR or these Conditions;

c. All other revisions or updates to the GWCOMR shall be submitted to the DEP Southwest District Office Industrial Wastewater Program as appropriate for review and approval with copies to the Siting Office. Review shall be in accordance with Section A, Condition XIII. Procedures for Post-Certification Submittals. Additionally, the GWCOMR may be updated to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. The Department may develop a Total Maximum Daily Load (TMDL). Once a TMDL has been established and adopted by rule, the Department shall revise the GWCOMR or these Conditions to incorporate the final findings of the TMDL

d. The licensee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

2. The Zone of Discharge for each site, shall be horizontally located 100 feet from the disposal site boundary and as defined by the locations and depths of compliance wells.

[62-520.200(27), F.A.C.]

3. Consideration of requests for ground water variances shall be postponed until two (2) years after the beginning of plant operations. A variance from the drinking water quality standard for antimony may be granted by the Department upon demonstration that levels of antimony in the cooling pond exceed the standard in Rule 62-520, F.A.C. However, if representative ambient values for iron and color are shown to already exceed secondary drinking water standards, then these representative values shall be the prevailing standard.

[62-520.420(2), F.A.C.]

SECTION B: PLANT SPECIFIC CONDITIONS

C. Mine Reclamation Requirements

1. Land Donation

In lieu of reclamation and restoration, TEC shall donate 1,511 acres of land in Tract B of the Polk Power Station site in Polk County to the Board of Trustees of the Internal Improvement Trust Fund, donate 589 acres of submerged lands adjacent to the Cockroach Bay Aquatic preserve the Tampa Bay Port Authority, and abide by the Conservation Easement for uplands adjacent to Cockroach Bay in Hillsborough County as granted to the State of Florida Board of Trustees in consideration for the variance to phosphate mine reclamation requirements and to provide significant regional benefit to wildlife and the environment as required for variances in accordance with Section 378.212(1) Florida Statutes. Such donation and transfer of ownership shall be as attached as Attachment D hereto and as described in the Easement recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1397 thru 1423; and the Conservation Easement as recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1424 through 1452.

2. Dragline Walk Path

TEC shall retain an easement along the west side of State Road 37 sufficiently wide for use as a drag-line walk path. TEC shall be responsible for notifying the Siting Coordination Office, and the Department's Bureau of Mine Reclamation of a proposed usage of the drag-line walk path on the west side of SR 37 at least fifteen (15) days prior to the event. With the notification, TEC shall provide the Bureau of Mine Reclamation and the Southwest District Office with certified drawings showing the proposed modifications to jurisdictional wetland areas. Within twenty-four (24) hours of the dragline crossing, any wetlands that were impacted by the crossing, shall be restored to original grade and stabilized by either planting or sodding. Use of the drag-line walk path for a future transmission line corridor will require TEC to submit an amendment to the original application and to submit a petition for modification of the applicable conditions of certification.

3. Cockroach Bay

After transferring ownership of the approximately 589 acres of submerged lands in Hillsborough County adjacent to the Cockroach Bay Aquatic Preserve to the Tampa Bay Port Authority, and the Conservation Easement uplands and wetlands to the State of Florida Board of Trustees, as described in Condition I.F.4. above and Attachment D, TEC shall provide the State with easements for access and for management purposes including permanent State access to the uplands north of the Reeder property and at the shell pits located at the southwest side of the parcel as described in Attachment D. If TEC should decide to sell lands they hold in ownership that buffer the 1433 acres of uplands property, TEC shall offer a public entity including the State, Hillsborough County, or Southwest Florida Water Management District, or a non-profit entity, whose mission is conservation, the right of first refusal.

D. Solid Waste General

1. The solid waste disposal areas shall be designed, constructed, operated, maintained, closed and monitored in accordance with acceptable landfill practices described in Chapter 62-701, F.A.C.

SECTION B: PLANT SPECIFIC CONDITIONS

2. No solid waste disposal areas shall be constructed until detailed plans and drawings as required by Chapter 62-701, F.A.C., have been submitted to and approved by the Tallahassee Solid Waste Section of the DEP.

3. Each solid waste disposal unit shall meet the general criteria for landfills as stated in Rule 62-701.340, F.A.C.

4. Any solid waste produced by the operation of the facility shall be disposed of in a permitted disposal facility. By-products that are sold for reuse are not considered solid waste.

E. Solid Waste Site Specific Standards

1. The temporary storage area for the brine solids shall have a leachate control system to prevent a discharge of leachate and mixing of leachate with storm water.

2. Provisions for storing slag for more than one year shall be addressed in the Solid Waste Operations Plan to be submitted to the Tallahassee Solid Waste Section prior to operation of the slag storage unit.

3. The Licensee shall provide reasonable assurance that the liners for all solid waste storage areas shall be constructed, operated and maintained in accordance with acceptable landfill liner practices. Acceptable practices are detailed in Rule 62-701.400, F.A.C., (new January 6, 1993). The characteristics of the soils underlying the liner shall also be determined to prevent settlement or other problems associated with use of a geomembrane liner. The results of all soils and materials testing shall be submitted to the Tallahassee Solid Waste Section with liner specifications for approval prior to construction.

4. The Licensee shall provide leachate collection and disposal plans that meet the criteria of Rule 62-701.400, F.A.C. Parameters detected in the leachate at levels of concern may be included in future ground water sampling analyses. The Licensee is responsible for the storm water control in the solid waste retention areas. Storm water or other surface water which comes into contact with the solid waste or mixes with leachate shall be considered leachate.

5. The Licensee shall provide backup provisions for leachate management in the event that the industrial wastewater treatment plant is inoperable. This shall be submitted to the Tallahassee Solid Waste Section prior to operation of any solid waste disposal unit.

6. The zone of discharge for each SWDA shall be 100 feet from the edge of the SWDA, or the property boundary, whichever is less. Ground water standards for G-II ground waters shall be maintained at the boundary of the zone of discharge.

7. The Licensee shall provide reasonable assurance that the solid waste disposal area liner system shall be equivalent to a composite or double liner system.

8. The Licensee shall submit to the Tallahassee Solid Waste Section a quality assurance plan for the liner systems equivalent to that for a composite or double liner system for approval by the Department's Tallahassee Solid Waste Section prior to construction. Soil liner construction quality assurance shall include a quality control plan specifying performance criteria for the soil liner, testing procedures and sampling frequencies.

SECTION B: PLANT SPECIFIC CONDITIONS

9. The Licensee shall submit to the Tallahassee Solid Waste Section a comprehensive operation plan for the facility that provides written, detailed instructions for the daily operation of the solid waste disposal areas. The plan shall include the items listed in Rule 62-701.500, F.A.C. The plan shall be kept at the facility and shall be accessible to the operators. The plan shall be revised if operational procedures change. A schedule for routine maintenance of the leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the operational procedures for the plan. The initial operation plan shall include the first solid waste disposal area and shall be submitted for approval to the Tallahassee Solid Waste Section prior to operation of the solid waste disposal area.

10. The Licensee shall hold the operator responsible for leachate level monitoring. The operator shall have a prepared contingency plan to handle leachate collection, removal, and treatment problems such as interruptions of discharges to a treatment plant. Quantities of leachate collected by the leachate collection and removal system shall be recorded in gallons per day before on-site treatment or transport off-site. A rain gauge shall be installed, operated, and maintained to record precipitation at the facility. Precipitation records shall be maintained and used to compare with leachate generation rates.

11. Hazardous waste or any hazardous substance shall not be accepted for disposal at this site. Hazardous waste is a solid waste identified by the Department as a hazardous waste in Chapter 62-730, F.A.C. Hazardous substances are those defined in Section 403.703, F.S., or in any other applicable state or federal law or administrative rule.

12. The Licensee shall maintain a program which prohibits the disposal of bulk industrial wastes which operation personnel reasonably believe to either be or contain hazardous waste, without first obtaining a chemical analysis of the material showing the waste to be non hazardous. The chemical analysis of any such material, along with the date of disposal, shall be kept on file at the facility.

13. A trained supervisor or foreman shall be responsible for maintaining the solid waste disposal areas in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed for adequate operation. In the event of damage to any portion of the solid waste disposal area or failure of any portion of the related systems, the Department's SWSSWD shall receive notification in accordance with Section A, Condition VII. Notification.

14. The facility ground water monitoring plan, to be submitted as a post certification report, shall include monitoring of the solid waste disposal areas. This plan shall include, at a minimum, the equivalent to the requirements of Rule 62-701.510, F.A.C., for the solid waste disposal areas. The facility ground water monitoring plan must be approved by the Department's Tallahassee Solid Waste Section prior to facility operation and will be incorporated into these Conditions of Certification as Attachment C (Solid Waste Groundwater portion will be Attachment C-2).

15. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's Tallahassee Solid Waste Section prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted for approval to the Tallahassee Solid Waste Section of the DEP prior to operation of each solid waste disposal area.

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16. Prior to any construction of each solid waste disposal area, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support for the disposal area.

17. The closure of each solid waste disposal area shall be equivalent to lined landfill closures, and shall have a barrier layer. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's Tallahassee Solid Waste Section prior to closure.

18. Financial assurance for the solid waste disposal areas shall be provided in accordance with Rule 62-701.630, F.A.C., prior to operation of each solid waste disposal area. All cost estimates for closure and long-term care shall be adjusted and submitted annually to: SWSSWD of the DEP. Proof that the financial assurance has been funded adequately shall be submitted annually to the SWSSWD and to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

19. If ground water monitoring reveals chemical parameters at concentrations significantly above background concentrations due to leachate, the Licensee shall submit a contamination assessment plan to the Department's SWSSWD Solid Waste Section within one hundred fifty (150) days of knowledge of exceedance. The contamination assessment plan shall provide a detailed plan for evaluating the vertical and horizontal extent of affected soils and ground water.

F. Solid Waste Processing Additional Information

The Licensee shall send all appropriate submittals to the Tallahassee Solid Waste Section of the DEP to the following address:

Florida Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road, MS 4565 Tallahassee, FL 32399

With electronic copies submitted to the Siting Coordination Office at SCO@dep.state.fl.us

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C.

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the Licensee on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, F.S. and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

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C. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. State Road 37 and County Road 630 have been identified as Strategic Intermodal System's (SIS) facilities. The placement of the pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

D. Standards

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

E. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, F.A.C., including the attainment of any permit required thereby.

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

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G. Level of Service on State Roadway Facilities

All traffic impacts to State roadway facilities not on the FIRS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

H. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent. It is recommended that the applicant encourage transportation demand management techniques by doing the following: A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards. The plan will need to be approved by Florida Department of Transportation prior to construction. If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed-Species Conditions

The following table contains state and federally listed species that occur in the State of Florida and are likely to occur within the transmission line corridor and associated facilities. The table contains species that are potentially impacted by the activities proposed within the corridor. Therefore, these conditions of certification apply to the species listed in this table that are found within the certified area.

Listed Species Occurring or Potentially Occurring in the Project Area as of December 2012^t

Common Name	Scientific Name	Fl status	Fed status
American Alligator	<i>Alligator mississippiensis</i>	T(S/A)	
Bald eagle	<i>Haliaeetus leucocephalus</i>	*	*
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida mouse	<i>Peromyscus floridanus</i>	SSC	
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Gopher frog	<i>Lithobates capito</i>	SSC	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Little blue heron	<i>Egretta caerulea</i>	SSC	

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Limpkin	<i>Aramus guarauna</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Everglades snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E	E
Snowy egret	<i>Egretta thula</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Tricolored heron	<i>Egretta tricolor</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Wood stork	<i>Mycteria americana</i>	E	E

SSC = Species of Special Concern; E = Endangered; T = Threatened

'Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C. make it likely that statuses of species listed may change before the Licensee commences work. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

*While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Chapter 68A-27, F.A.C.]

B. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within associated facilities and/or expansions of plant site and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, F.S., Sections 403.507 and 403.5113(2), F.S., and Chapter 68A-27, Florida Administrative Code (F.A.C.).]

C. Specific Listed Species Surveys

Before land clearing and construction activities within the PPS site occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the

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species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
2. This survey shall identify any wading bird colonies within the project that may be affected.
3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within associated facilities and/or plant site expansions prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, F.S.; and Chapters 68A-27, 68A-4, 68A-16, F.A.C.]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the associated facilities and/or plant site expansions, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys, including those specified in E below, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within an associated facilities and/or plant site expansion. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. **Listed Wildlife Species:**

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. **Species Management Plan:**

If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species involved to avoid,

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minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (revised and adopted September 15, 2008) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development". Surveys must be conducted within 90 days prior to a post-certification submittal of the online gopher tortoise relocation permit application (Temporary Exclusion Permit) to the FWC, as described in E.3 below. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The results of the gopher tortoise surveys shall be provided to the appropriate land management state agency for portions of the transmission lines that cross state-owned lands, if applicable, for informational purposes.

2. FWC is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation permit application (as required by a Temporary Exclusion Permit) in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species.

5. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Fla. Const.; Section 403.526, F.S., and Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C.]

IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. The Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources

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(DHR) prior to any construction of certified facilities. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

V. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. *Water Use Permitting Conditions*

Existing Withdrawal Facilities

District ID No.	TEC ID No.	Casing Diameter (inches)	Casing Depth (feet)	Total Depth (feet)
1	P1	10	400	900
2	P2	10	400	900
3	P3	24	400	900
4	P4	24	400	900

1. TEC shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. TEC shall either accompany District staff onto the property or make provision for access onto the property.

2. When necessary to analyze impacts to the water resource or existing users, the District shall require TEC to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

3. The District shall collect water samples from any withdrawal point listed in these conditions of certification or shall require TEC to submit water samples when the District determines there is a potential for adverse impacts to water quality.

4. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

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5. TEC shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require TEC to mitigate the impacts. Adverse impacts include the following:

- a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;
- b. Sinkholes or subsidence caused by reduction in water levels;
- c. Damage to crops and other vegetation causing financial harm to the owner; and
- d. Damage to the habitat of endangered or threatened species.

6. TEC shall mitigate, to the satisfaction of the District any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require TEC to mitigate the impacts. Adverse impacts include, but are not limited to the following:

- a. A reduction in water levels which impairs the ability of a well to produce water;
- b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
- c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

7. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if TEC fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, F.A.C., or the conditions set forth herein, the District shall seek revocation or modification of the District-related conditions of certification.

8. Issuance of these conditions of certification does not exempt TEC from any other District permitting requirements.

9. TEC shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

10. TEC shall not deviate from any of the terms or conditions of certification without written approval by the District.

11. TEC shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for power plants, these conditions of certification shall be subject to those requirements upon notice and after a reasonable period for compliance.

12. The District has established special regulations for the Southern Water Use Caution Area (SWUCA). TEC's conditions of certification are subject to those requirements.

13. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the District shall seek to alter, modify, or declare inactive all or parts of the District-related conditions of certification as necessary to address the water shortage.

14. These conditions of certification are issued based on information provided by TEC demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of

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operation of TEC's Polk Power Station, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification of the District-related conditions of certification or shall initiate action for suspension or revocation of certification.

15. Within the SWUCA, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, TEC shall be provided with a statement of facts upon which the District based its determination and an opportunity to address the change or impact prior to a reconsideration by the District of the quantities authorized in the conditions of certification.

16. TEC's conditions of certification are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located. TEC shall notify the SWFWMD within 30 days of the sale or transfer of authorized water withdrawal facilities or the land on which the withdrawal facilities are located.

17. All reports and data required by the District-related conditions of certification shall be submitted to the District according to the due dates contained in the specific conditions. If the condition specifies that a District-supplied form is to be used, TEC should use that form in order for its submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the District's conditions of certification, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, etc. are required.

Submission of data: Unless otherwise indicated in these conditions of certification, an original (no copies) is required for data submittals such as meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.

18. TEC is authorized to withdraw groundwater from the Upper Floridan aquifer and use for process water systems, makeup water for the cooling reservoir, cooling tower, and personal sanitary purposes. In support of 1,420 MW nominal net ultimate generating capacity, the quantity of groundwater that TEC is authorized to withdraw shall be limited to 4.3 MGD on an annual average daily basis, and 7.6 MGD on a peak month basis, subject to the following conditions:

a. The authorized sources of process and cooling water in support of such generating capacity shall consist of existing water on site, on-site rainwater and stormwater capture, reuse of internal wastewater streams, and other alternative water supply sources including, but not limited to, treated wastewater (reclaimed water) from the City of Lakeland, the City of Mulberry and Polk County Utilities Division or other reuse sources.

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b. TEC shall demonstrate that any incremental quantity of process or cooling water which it proposes to withdraw from the Upper Floridan aquifer in support of that increment of generating capacity will be minimized to the greatest extent practicable by prudent technologically and economically feasible water conservation practices consistent with those generally required within the SWUCA, including but not limited to the following:

- (1) Minimization of loss of water from the site during construction;
- (2) Use of water-conserving electric generation and pollution control technologies;
- (3) On-site rainwater and stormwater capture and management;
- (4) Reuse of internal wastewater streams of technologically suitable quality;
- (5) Reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly-owned sewage treatment facilities, which TEC shall diligently pursue; and
- (6) Use of other available sources of nonpotable water of technologically suitable quality, such as treated industrial wastewater from nearby phosphate mining operations.

c. In the event of a temporary disruption to alternative water supplies, TEC is authorized to withdraw additional groundwater on a standby basis (back-up water for an alternative water supply in the event the alternative water supply becomes unavailable or unusable) not to exceed 90 days. Within 30 days of restoration of the alternative water supply, TEC shall submit a written report to the District Water Use Permit Bureau Chief documenting the cause and location of the disruption, the date(s) of occurrence, the additional groundwater volume withdrawn, and measures taken to restore the alternative water supply.

d. In the event the disruption to alternative water supplies extends beyond 90 days, TEC shall provide monthly written status reports until the alternative source is restored.

e. In the event the disruption to alternative water supplies extends beyond 180 days, TEC shall apply for modification of these conditions to the FDEP Siting Coordination Office for a more permanent resolution.

19. The Polk Power Station is located in the Upper Peace River Watershed, the SWUCA, and is proximal to the Most Impacted Area within the SWUCA and the Dover/Plant City Water Use Caution Area. Any withdrawal from the Upper Floridan aquifer of any quantity greater than 4.3 MGD on an annual average daily basis, and 7.6 MGD on a peak month basis, except as provided in Condition 18. c., d., and e., is subject to prior review and approval by the District and subject to the following criteria:

a. Provide a satisfactory Net Benefit pursuant to Part B, Section 4.3, B.4. of the District's Basis of Review; or

b. Approved as a "competing application" under the applicable standards of Section 373.233, F.S.; and

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c. Modify the conditions of certification for authorization to withdraw additional groundwater quantities above 4.3 MGD on an annual average basis.

20. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meters or other measuring devices as approved by the District Water Use Permit Bureau Chief: District ID Nos. 1, 2, 3 and 4, TEC ID Nos. P1, P2, P3 and P4. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with the metering instructions provided in District Attachment F.

21. The following proposed reclaimed water flow lines shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID Nos. 5 and 6, TEC ID Nos. R1 (reclaimed line into TEC Polk Power Station), and R2 (reclaimed line discharge to cooling reservoir). Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with the metering instructions provided in District Attachment F.

22. By March 1, 2014, TEC shall install and maintain a District-approved staff gauge District ID No. 7, TEC ID No. SG1 in the 755-acre cooling reservoir near Outfall D-001 and report measurements of water levels referenced to the North American Vertical Datum 1988. Water levels shall be recorded the 2nd and 4th week of the month during the same day each week, and reported to the District Water Use Permit Bureau (on District forms) on or before the 10th day of the following month. Water level instructions for installation of the staff gauge, and for recording and reporting the data are given below, and provided in District Attachment F.

District ID No.	TEC ID No.	Location	Recording Frequency
5	R1	Inflow Reclaimed line to TEC	monthly
6	R2	Reclaimed Line to Cooling Reservoir	monthly
7	SG1	Cooling Reservoir	bi-weekly

23. Any wells not in use and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

24. By April 1 of each year commencing in 2018, TEC shall submit a Cooling Pond Performance Report for the preceding calendar year. The report shall include graphs and narratives describing and analyzing the performance of the cooling pond in terms of the pond water level in relation to precipitation, evaporation, ambient temperature, water quality, itemized estimates of inflows, itemized estimates of outflows (including seepage losses), and electric power production. Rainfall data is available through the District's website home page/Data&Maps/Hydrologic Data/Rainfall Data by Region (www.swfwmd.state.fl.us/data/hydrologic/rainfall_data_summaries/).

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25. The annual average daily and peak month quantities for District ID Nos. 1, 2, 3 and 4, TEC ID Nos. P1, P2, P3 and P4, shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. TEC may make adjustments in pumpage distribution as necessary so long as adverse environmental impacts do not result and TEC complies with all other conditions of certification. In all cases, the quantities are limited to the total annual average daily withdrawal of 4.3 MGD and the total peak month daily withdrawal of 7.6 MGD, except as provided in Condition 18. c., d., and e.

Withdrawal Point Quantity Table

District ID No.	TEC ID No.	Annual Average (gpd)	Peak Month (gpd)
1	P1	1,075,000	1,900,000
2	P2	1,075,000	1,900,000
3	P3	1,075,000	1,900,000
4	P4	1,075,000	1,900,000
Total		4,300,000	7,600,000

26. Beginning January 1, 2017, TEC shall utilize groundwater withdrawals from District ID Nos. 1, 2, 3 and 4, TEC ID Nos. P1, P2, P3 and P4, for cooling reservoir makeup water only when the elevation of the water level in the cooling reservoir, as measured weekly at District ID No. 7, TEC ID No. SG1 is below 134 feet NGVD, subject to the following criteria:

a. Alternative water sources shall be the primary source water for the cooling reservoir and used to the greatest extent practicable, to minimize the use of groundwater, above the 134-foot reservoir elevation, when discharge is needed through Outfall D-001 for heat dissipation, water quality control, and/or maintenance of the operating level elevation.

b. In the event of temporary disruption to alternative water supplies or limited availability of alternative water sources, groundwater may be used above the 134-foot reservoir elevation.

27. TEC shall investigate the feasibility of obtaining additional reclaimed water and/or alternative water supply sources and submit a report describing the feasibility to the District Water Use Permit Bureau, by April 1, 2023. The report shall contain an analysis of alternative water supply sources for the area, including the relative location of these sources to TEC's property, the quantity of reclaimed / alternative source water available, the projected date(s) of availability, costs associated with obtaining the reclaimed/alternative water supply, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed/alternative source water is determined to be feasible by TEC or by the District, then TEC shall submit an application to modify the conditions of certification to include the additional water source(s). The modification application shall include a date when

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the reclaimed/alternative source water will be available and shall indicate the estimated offset in authorized groundwater quantities.

28. TEC shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once a year.

29. TEC shall comply with allocated quantities. If the allocated quantities are exceeded, upon request by the District, TEC shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate the information submitted to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the District-related conditions of certification.

30. The TEC Polk Power Station is located within the SWUCA. Pursuant to Section 373.0421, F.S., the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, F.A.C. This certification is subject to modification to comply with new rules.

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at certified facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

VII. POLK COUNTY

A. CUP 92-05 Conditions

1. Permits

Copies of all federal permits and the PPSA certification order required for each phase of development of the Polk County Site facility shall be provided to the Polk County Planning Division Director prior to the commencement of building construction code compliance review.

2. Fuel

The project shall be restricted to the use of the following fuels: natural gas, coal, coal gas, petroleum coke, or oil unless a CUP modification is received.

3. Fire Protection Plan

Prior to obtaining a building permit, TEC shall submit an acceptable fire protection plan to Polk County outlining specific measures to be taken to meet all local fire codes and regulations. As part of these plans, TEC shall give consideration to foam systems for tank

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protection as discussed in NFPA 850(5-3.9.2) as part of the overall fire risk evaluation. The evaluation shall consider such factors as the specific type of tank to be utilized, exposure to other important structures, product value and resupply capability.

4. Emergency Management and Response Plans

Following site certification, and prior to commercial operation, TEC shall submit an acceptable Emergency Management Plan to Polk County (Office of Public Safety). This plan will detail emergency management procedures for any project-related, off-site incident in Polk County so as to minimize response time and maximize effectiveness to protect the public health, safety, and welfare.

5. Emergency Notice

TEC shall agree to immediately contact Polk County's Office of Public Safety when the applicant becomes aware of project-related off-site incidents which have the potential for affecting the public's health, safety, and welfare.

6. Transportation

a. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of SR 37 and CR 630 to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March and reported to the Transportation Section of the Planning Division. Should the traffic monitoring program show the need for a new traffic signal as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install such a signal.

b. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of CR 630 and Fort Green Road to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March. Should the traffic monitoring program show the need for improvements as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install a new traffic signal or to make geometric improvements.

7. Solid Waste Disposal

a. TEC shall be responsible for proper disposal of slag and/or ash by-products produced in the power generation process at locations other than at county landfills.

b. TEC shall monitor ground water in relation to by-product and temporary storage areas and make available to the county all data produced from the ground water monitoring system. Upon 24-hour notice, TEC shall allow county staff members access to the site for purposes of examining the condition of the ground water monitoring equipment.

8. Hazardous Materials Storage

TEC shall report its storage and usage of hazardous material annually to Polk County's Environmental Services Department and shall allow the county to make random inspection of the facility to determine compliance with the reporting requirements. As part of the first report, TEC shall specifically address provision (a) through (g) of Comprehensive Plan Policy 2.310A4.

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9. Spill Prevention Containment and Control Plan (SPCC)

TEC shall be required to submit a preliminary Spill Prevention Containment and Control Plan (SPCC) to the Polk County Public Safety Department and the Polk County Planning Department as part of the building construction code compliance review. The final SPCC Plan shall be submitted within six (6) months after the date the facility begins operations. Spill Prevention Containment and Control Plan updates and amendments, due to a change in design, construction, operation, technology, or maintenance, shall be submitted within six (6) months of such change.

10. Flood Study

TEC shall submit a flood study within one (1) year of release of reclamation of the site.

11. Stack Emissions Monitoring

TEC shall make available to the county all data produced from the emissions monitoring systems for the exhaust stack when requested and shall allow designated county staff members access to the site for purposes of examining the condition of this equipment, upon prior notice.

12. Compliance with Applicable Air Quality Regulations

TEC shall comply with applicable air quality regulations in effect at the time of filing of each site certification application or supplemental application for each phase of development of the Polk Power Station.

13. Wildlife Habitat Management Plan

Within one (1) year of release of reclamation of the site by DEP, TEC shall prepare a wildlife management plan in consultation with the Florida Game and Fresh Water Fish Commission, Polk County and other interested parties concerning that portion of TEC's site located west of SR 37.

14. Water Use and Conservation Reporting

TEC shall supply water use quantities, methods of water conservation, and estimates of water conservation if available, on an annual basis to Polk County (Planning and Water Resources Divisions).

15. Septic Tank Use

TEC shall comply with all provisions of Rule 64E-6 as applicable to septic tank systems.

[Chapter 64E-6, F.A.C.]

B. Transmission Lines

TEC shall apply to Polk County for a modification to CUP 92-05 at the time it submits a supplement to or modification of its site certification application to the state regarding a defined, proposed corridor route for any new, proposed transmission lines associated with the TEC Polk Power Station site, other than those detailed in the CUP application.

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C. Sinkhole Response Plan

TEC shall develop and submit to Polk County for approval six (6) months prior to commencing operation of the first commercial unit, a plan detailing the emergency measures to be implemented if a sinkhole occurs on the TEC site. TEC shall include a plan to address any necessary remedial actions required as a result of contamination to impacted aquifer(s) and surface water(s) if a sinkhole occurs on the TEC site.

D. Landscape Buffer

Landscaping shall be installed in accordance with the landscape plan included in the Site Certification Application.

E. Tall Structure Compliance

TEC shall, at the time it proposes to construct any structure over 500 feet in height at its site, comply with all regulations as imposed by the Polk County Airport Zoning Ordinance, prior to completion of building construction code compliance review for the units requiring such a structure.

F. Inspection and Permit Compliance Fees

Polk County shall be allowed to inspect any and all construction, operating, monitoring, sampling, and remediation activities which TEC conducts on site. Polk County shall provide notice to TEC prior to performing any such inspection. TEC shall be required to pay Polk County all generally applicable building code compliance and inspection fees provided, however, that such fees shall be adjusted to reasonably reflect actual cost to the county.

G. Flood Protection

TEC during construction and operation shall maintain adequate flood protection berms to assure that residential properties will not receive floodwaters in the event of a berm failure. TEC shall perform and provide to Polk County an analysis of berm failure flood conditions including alternatives for minimizing obstruction and damage to roadways.

H. Reporting

TEC shall submit all reports and submissions to the Director of the Polk County Community Services Department in addition to the other departments as noted in the preceding conditions.

I. Fishing Lake

1. TEC shall construct the recreational fishing lakes on the parcel west of SR 37 as proposed in the 1996, submissions to the DEP. The ungraded “nesting islands” in the fishing lakes shall be planted with native trees as recommended by the Fish and Wildlife Conservation Commission.

2. TEC shall donate the 1,511 acres of land in Tract B west of State Road (SR) 37 and an associated \$200,000 start-up fund to the Board of Trustees Internal Improvement Trust via established state lands donation procedures by December 31, 2011

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VIII. POLK COUNTY Department of Health

A. *Drinking Water Facilities*

1. Prior Approval

a. No portion of the potable water supply system or any portion of a water supply system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department of Health in Polk County (Department). Construction or modification of any portion of the potable water supply system without the prior written approval of the Department will be considered a violation of the conditions of certification.

b. In order to obtain approval to construct a potable water supply system which includes an on-site water treatment facility or modification to the existing water treatment facility, the following information must be submitted to the Department no earlier than one (1) year prior to the date that the water supply system is proposed for construction:

(1) A completed and fully executed “Application for a Specific Permit to Construct PWS Components” form which complies with the requirements of the rules and regulations of the Department of Environmental Protection in effect as of the date that the request for approval to commence construction of the system is made to the Department.

(2) Copy of the Southwest Florida Water Management District permit and well driller’s well completion report for each well to be used as a potable water supply well.

(3) Complete water quality analysis of the raw water from each individual proposed well to be used as a potable water supply well. Analysis of composite samples will not be accepted. The analysis must include all water quality parameters required for the classification of the water supply system being proposed pursuant to the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department. Each individual analysis must have been performed by a laboratory certified by the state to perform that particular potable water quality analysis and must have an analysis date within one (1) year of the date that the request for approval to construct the water supply system is made to the Department.

(4) Complete specifications for the material and workmanship for the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department.

(5) Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being requested. The drawings must demonstrate full compliance with all applicable rules and regulations of the Department in effect as of the date that the request is made to the Department for approval to construct the system. The drawings must be signed and sealed by an engineer registered in the state of Florida.

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(6) Site plan showing the location of each potable water supply well. The site plan must include all proposed and existing, above and below grade, facilities, natural formations (e.g., streams, creeks, etc.), structures, etc. within a minimum of a complete five hundred (500) foot radius of each wellhead; however, if any facility, natural formation, structure, etc., is located outside of the five hundred (500) foot radius and that facility, natural formation, structure, etc., has a setback distance from the wellhead greater than five hundred (500) feet established in applicable rules of the Department in effect as of the date that the request for approval to construct is made, then that facility, natural formation, structure, etc., must also be shown on the site plan requested here. The site plan must be certified for accuracy by the professional engineer registered in the state of Florida responsible for design of the potable water supply system.

(7) Signed and sealed preliminary design report on the proposed potable water supply system which fully describes the project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting design data that the potable water system as proposed will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department.

c. Construction of potable water lines for the purpose of obtaining potable water from an off-site public water supply system is not covered by the conditions of certification. To obtain permission to connect to such a potable water system, TEC shall submit a completed "Notice of Intent to Use the General Permit for Construction of Water Main Extensions for PWSs" pursuant to 403, F.S., in accordance with the requirements of Chapter 62-555.405, F.A.C.

d. Prior to submitting any information to the Department for review of the proposed potable water supply system, all wells that are proposed for use as potable water supply wells and that will be included in the request for approval to construct the water supply system must have been constructed and fully developed. Once the well has been fully developed and the water samples collected, the well must be properly capped (or isolated from the potable water system) until written approval to construct the potable water supply system has been issued by the Department.

e. Should TEC request approval to construct a water treatment system which produces a waste stream (e.g., softening, electrodialysis, reverse osmosis, etc.) other than as described in the original SCA, TEC must submit as part of its request for approval to construct that water supply system documentation that the disposal of that waste stream has been approved by the appropriate agency or section of the Department.

2. Construction

a. TEC must retain the services of a project engineer registered in the state of Florida to observe that the construction of the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

b. The approval to construct the potable water supply system will be in effect for two (2) years from the date of issuance. All construction of the potable water supply

SECTION B: PLANT SPECIFIC CONDITIONS

system must be completed within this two (2) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year by year basis; however, under no circumstances will the approval to construct the water supply system be extended beyond five (5) years of the specific construction date or three (3) years from the date of the earliest water quality analysis of the initial wells. The request for an extension of the expiration date must be accompanied by an analysis of the raw water from each well for each water quality parameter required pursuant to the requirements of the rules and regulations of the Department in effect as of the date that the request for the extension is made. Such an analysis and a request for approval shall be submitted and approved prior to constructing and operating any portion of the appurtenances necessary to connect and operate that new well to the existing system for each new well added to the potable water system after the initial system is constructed and approved. The water quality analysis report submitted with this request must have an analysis date no earlier than one (1) year from the date that the request for an extension of the expiration date is made, must have been performed by a laboratory certified by the state to perform the analysis, and must contain no water quality violations other than those for which the water supply system was originally designed to address. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, TEC will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

3. Operation

a. No portion of the potable water supply system may be placed into service without the prior written approval of the Department. Placing any portion of the potable water supply system into service prior to receipt of this written approval will be considered as a violation of the conditions of certification.

b. The Department will not issue approval to place the potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction.

c. In order to obtain approval to place the potable water supply system into service, TEC must make a written request for clearance to the Department. The request must be in the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made.

SECTION B: PLANT SPECIFIC CONDITIONS

d. The Department will issue a letter of clearance to place the water supply system into service within thirty (30) days of receipt of a written request for clearance, provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable rules and regulations of the Department in effect as of the date that the request for clearance was made.

e. All construction or activity taking place in the vicinity of the potable water supply wells must conform with the setback distances from a potable water supply well established in the rules of the Department at the time that the construction or activity is proposed and must be coordinated with the Department.

f. TEC must provide, in accordance with applicable state rules, a certified water treatment plant operator who meets the staffing requirements for the type and capacity of the water treatment system cleared for service.

g. The daily net quantity of finished water produced at the potable water treatment plant(s) must be recorded in the plant monthly operation report.

h. The certified water treatment plant operator must submit a report on the operation of the water treatment plant(s) to the Department monthly in the manner required by the rules and regulations of the Department.

i. The drinking water must be analyzed for all applicable water quality parameters to the degree and frequency required by the rules and regulations of the Department. The analysis must be performed in accordance with these rules and regulations and submitted to the Department in the format required by these rules and regulations.

j. The one day maximum day demand for the period of time covering the most recent twelve (12) months of operation of the water treatment plant may not exceed the capacity of the water treatment plant approved for construction and cleared for use by the Department. Should the demand on any one day during a twelve (12) month period exceed the capacity of the water treatment plant, TEC shall submit a request for any expansion of the potable water system for review and approval.

k. TEC must plan, design, obtain approval for, and construct all necessary modifications to its water supply system in a timely manner in order to provide sufficient capacity to meet the potable water demands of its system.

l. TEC must operate the water supply system in such a manner as to comply with the provisions of Chapter 403, F.S., and all the rules of the Department.

VIII. HILLSBOROUGH COUNTY

Placement of natural gas pipeline facilities in Hillsborough County to serve future Polk Power Station units will require modification of this certification or submittal of a supplemental certification application.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. ROW Location

1. Licensee shall co-locate the new or expanded transmission line ROW to the extent feasible within or adjacent to existing public rights-of-way or dedicated transmission line rights-of-way for those portions of the corridor which include such rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, Licensee's design shall reflect that new widened right-of-way.

2. To the extent feasible Licensee shall locate the transmission line right-of-way so as to avoid the taking of homes.

3. To the extent feasible and consistent with good engineering design and practices, the Licensees shall use best management practices to minimize impacts to pre-existing natural features and minimize tree removal and trimming of vegetation.

[Sections 403.511, F.S.; 62-17.191, F.A.C.]

B. Process for Review of ROW Location

1. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to {DEP District Offices, applicable WMDs, applicable RPCs, DOT, DEO, and applicable counties}, delineating the certified corridor, and the selected transmission line ROW. In addition, Licensee shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. Licensee shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments. The agencies receiving the aerial photographs from Licensee shall have an opportunity to review the photographs and to notify DEP, within 12 days of Licensee's submittal of the aerial photographs to the agencies, of any apparent conflicts with the requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

2. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission line, access roads or pads within Licensee's designated ROW cannot be accomplished in compliance with the Conditions of Certification, Licensee shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of Licensee's submittal of the aerial photographs to the agencies, Licensee may proceed with design of the transmission line on the noticed ROW.

3. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at Licensee's risk, and no party will be estopped by such acquisition to seek disapproval

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

4. After Licensee has acquired interest in the entire length of the transmission line ROW, Licensee shall:

a. File a statement with the clerk of the circuit court for each county through which the corridor passes certifying that all lands required for the transmission line ROW within the corridor have been acquired. Licensee shall also file with the county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

b. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, Licensee shall file a statement with DEP Siting Coordination Office accordingly.

5. Once the ROW has been determined, Licensee will submit, to the applicable County offices, information that is consistent with County ROW permits for the portions of the line which pass through each affected county.

[Sections 403.531 and 403.5312, F.S.; Rule 62-17.600(4), F.A.C.]

C. Public Easement

A public easement will be required for crossing the South Prong of the Alafia River.

D. Electric and Magnetic Fields (EMF)

Any associated transmission lines and electrical substations shall comply with the applicable requirements of Chapter 62-814, F.A.C.

[Chapter 62-814, F.A.C.]

E. Radio and Television Interference

The Licensee shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the proposed transmission line.

[Section 403.531, F.S.]

F. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. State Road 37 and County Road 630 have been identified as Strategic Intermodal System's (SIS) facilities. The placement of the transmission line should take into consideration the planned widening of these facilities. The cost of relocating

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

or reconstructing the transmission line will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

II FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. *Listed-Species Conditions*

The following table contains state and federally listed species that occur in the State of Florida and are likely to occur within the transmission line corridor and associated facilities. The table contains species that are potentially impacted by the activities proposed within the corridor. Therefore, these conditions of certification apply to the species listed in this table that are found within the certified area.

Listed Species Occurring or Potentially Occurring in the Project Area as of December 2012^t

Common Name	Scientific Name	Fl status	Fed status
Bald eagle	<i>Haliaeetus leucocephalus</i>	*	*
Burrowing owl	<i>Athene cunicularia</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida mouse	<i>Peromyscus floridanus</i>	SSC	
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T	T
Gopher frog	<i>Lithobates capito</i>	SSC	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Little blue heron	<i>Egretta caerulea</i>	SSC	
Limpkin	<i>Aramus guarauna</i>	SSC	
Roseate spoonbill	<i>Platalea ajaja</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Everglades snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E	E
Snowy egret	<i>Egretta thula</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Tricolored heron	<i>Egretta tricolor</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Wood stork	<i>Mycteria americana</i>	E	E

SSC = Species of Special Concern; E = Endangered; T = Threatened

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

'Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C. make it likely that statuses of species listed may change before the Licensee commences work. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

*While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Chapter 68A-27, F.A.C.]

B. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the transmission line rights-of-way, and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9. Fla. Constitution, Section 379.2291. F.S., Sections 403.507 and 403.5113(2). F.S. and Chapter 68A-27, F.A.C.]

C. Specific Listed Species Surveys

Before land clearing and construction activities within a transmission line right-of-way occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

2. This survey shall identify any wading bird colonies within the project that may be affected.

3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, 403.526 and 403.5317, F.S.; and Chapters 68A-27, 68A-4, 68A-16, FA.C.]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the right-of-way, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys, including those specified in E-I below, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within a certified transmission corridor. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan

If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, 403.526 and 403.5113(2), F.S. and Chapter 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (revised and adopted September 15, 2008) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development". Surveys must be conducted within 90 days prior to a post-certification submittal of the online gopher tortoise relocation permit application (Temporary Exclusion Permit) to the FWC, as described in E.3 below. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The results of the gopher tortoise surveys shall be provided to the appropriate land management

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

state agency for portions of the transmission lines that cross state-owned lands, if applicable, for informational purposes.

2. FWC is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation permit application (as required by a Temporary Exclusion Permit) in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species.

5. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Fla. Const.; Section 403.526, F.S., and Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C.]

F. Avian Protection Plan

The Licensee shall coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with transmission lines associated with the project with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website.

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>

[Article IV, Sec. 9, Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C., and Rule 68A-16.00I, F.A.C.]

G. Wood Stork Wading Bird Colonies

1. An aerial survey shall be conducted via fixed wing or rotary wing aircraft, between the months of December and May, once it is confirmed by FWC or USFWS that wading birds are breeding in the area of the transmission line right-of-way. The surveys should employ a series of two transects, along each side of the right-of-way. To minimize disturbance, the flight should be conducted at altitudes no less than 300 feet.

2. These surveys shall identify any wading bird colonies that may be affected within one-half mile of the project ROW.

3. Center locations of all wood stork and wading bird colonies should be delimited with a Wide Area Augmentation System (WAAS) enabled Global Positioning System (GPS) unit.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

4. Ground inspection of all wood stork and wading bird colonies needs to be made as aerial identification of intermediate-sized and dark-plumaged wading birds (little blue heron, tricolored heron, glossy ibis) is difficult at best and because they tend to nest below the vegetational canopy making species identification all but impossible. Identification of species should be made using binoculars to avoid flushing nesting birds. To avoid flushing birds from their nests surveys should follow the protocols in Rodgers and Smith (1995).

[Rodgers, J. A., and H. T. Smith, 1995. Set-back distances to protect nesting bird colonies from human disturbance in Florida. *Conservation Biology* 9:89-99.]

5. In the event that surveys determine that the project has the potential to impact wood stork or wading bird colonies, the following measures shall be used to minimize and mitigate for these impacts.

- Tampa Electric and FWC will meet to discuss the specific issues and mitigation alternatives.
- Tampa Electric will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COC's or federal permit conditions.
- Tampa Electric will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.
- Corrective action alternatives will be determined and implemented if necessary.

[Article IV, Sec. 9, Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C, and Rule 68A-16.001, F.A.C.]

H. Bald Eagle

1. The Licensee shall avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If construction activities cannot be avoided within a 660-foot nest buffer zone, construction activities shall be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts shall be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities shall be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season shall be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or subsequent USFWS-approved versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.

[Article IV, Sec. 9, Fla. Const.; Section 403.526, F.S., and Rule 62-17.191, F.A.C.; Chapter 68A-27, F.A.C. and Rule 68A-J6.002, F.A.C.]

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

I. Southeastern American Kestrels

The Licensee shall coordinate with the FWC prior to conducting surveys for Southeastern American kestrels (*Falco sparverius paulus*) to ensure that surveys are in accordance with the FWC-approved protocol.

1. The Licensee shall provide the FWC with the Southeastern American kestrel survey results and identify where impacts to kestrels cannot be avoided.
2. The Licensee shall mitigate loss of kestrel nest trees by placing approved nest boxes in appropriate habitat along the transmission line right-of-way where feasible, practical, and where landowner consent can be obtained, and shall follow the FWC-approved protocol for construction and installation of nest boxes.
3. The Licensee shall coordinate all nest box installation with the FWC.

[Article IV, Sec. 9, Fla. Const, Section 403.526, F.S., Rule 62-17.660, F.A.C., Section 379.2291, F.S., and Chapter 68A-2, F.A.C.]

III. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. The Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR) prior to any construction of linear facilities. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Corridor, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

IV. HILLSBOROUGH COUNTY

A. Gopher Tortoise

For informational purposes, TEC shall provide a copy of any gopher tortoise survey results and any mitigation required by FWCC.

B. Rights-of-Way

TEC shall comply with all applicable non-procedural requirements of the County's Utility Accommodation Standards and Rights-of-Ways Use.

[Section 42, Article III, Hillsborough County Code of Ordinances]

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

C. General Conditions

1. TECO, to the extent feasible and practicable, will retain existing vegetation in the proposed transmission line right-of-way and practice “best management practices” with respect to vegetation management in the proposed transmission line right-of-way to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation standard FAC-003-1, American National Standards Institute standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code standards adopted by the Florida Public Service Commission.

2. During the construction of the proposed transmission line, TECO will convey to the person(s) responsible for TECO construction within Hillsborough County that all construction truck traffic going to the construction site shall follow Hillsborough County’s Truck Route Plan to the greatest extent practicable.

3. TECO will repair any damage done to County roads utilized and damaged during construction of the transmission lines. Repairs shall be performed in accordance with County standards.

4. TECO shall utilize and adhere to all applicable non-procedural County standards contained and referenced in Hillsborough County’s Utility Accommodation Guide and Rights-of-Way Use Procedures Manual, including, but not limited to, all applicable Hillsborough County design and construction standards, protection of existing traffic controls, overhead power line installation procedures, permanent restorations for areas beyond the edge of pavement, and permanent pavement restorations.

5. TECO shall minimize the impacts of the transmission lines on intersection improvements projects to the extent practicable. All transmission line poles should be located outside the ultimate configuration for all currently designed and acquired future signalized intersections.

6. In the event that the right-of-way for the proposed transmission line crosses Hillsborough County’s rights-of-way, during the design of the transmission line, TECO will consult with Hillsborough County and will make best efforts to minimize conflicts with Hillsborough County’s existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in County-approved planning documents at the time of certification, to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

7. If portions of the transmission line will be constructed within Hillsborough County’s right-of-way, TECO shall contact the Greater Tampa Utilities Group as well as individual private and public utilities located within Hillsborough County’s right-of-way and coordinate the design and construction of the proposed transmission line with such entities.

8. Upon the determination of the final route for the proposed transmission line, TECO shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all known existing underground utilities within the transmission line Right-of-Way. TECO shall provide Hillsborough County with a copy of the utility companies with facilities located within Hillsborough County’s right-of-way along the transmission line Right-of-Way. TECO must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

9. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

other construction activities require temporary lane closures, TECO shall contact Hillsborough County's Right-of-Way Management office to coordinate the work, and, if applicable, TECO shall provide as a post-certification submittal a Temporary Traffic Control Permit or a signed, sealed, site specific Maintenance of Traffic ("MOT") plan. Additionally, TECO shall work with Hillsborough County to provide a MOT plan for the construction of entrances and exits. The MOT plan shall include potential lane or road closures requests from TECO and which public roadways will be used for the transportation of the transmission poles, the type of carriers and wheel pressures that will be utilized, and the time of day for the transport of said poles. TECO shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations, and in the event of emergency evacuations.

10. TECO shall provide engineering data for the project as requested by the Public Utilities Department
[Applicant agreement]

V. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

A. Noise

1. Transmission Line Construction Noise

Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times noise shall be subject to the standards in the EPC Noise Rule Chapter 1-10. www.epchc.org

2. Transmission Line Operation Noise

Noise resulting from the transmission line operation is subject to the provisions of the Noise Rule, including the A-scale and octave band standards.

[Chapter 1-10, Rules of the EPC]

B. Unconfined Particulate Matter Emissions (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including but not limited to the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

1. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

2. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:

- a. Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.
- b. Curtail operations during high wind conditions

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

c. Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.

d. Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.

e. Seeding and mulching access road surfaces

[Chapter 62-296.320(4)(c), F.A.C.]

C. Open Burning

Open burning in connection with initial land clearing shall be conducted in accordance with the non-procedural requirements of Chapter 1-4, Rules of the EPC, specifically with the requirements of Section 1-4.09, which pertain both to pile burning or burning by air curtain incinerator for initial land clearing. TEC shall not burn any materials specifically prohibited by Section 1-4.04. TEC shall provide notice to EPC prior to commencing open burning for initial land clearing and shall indicate in the notice how it intends to comply with the provisions of Chapter 1-4. Burning shall not occur if not approved by the EPC or if the Division of Forestry has issued a ban on burning due to air pollution conditions or due to fire safety.

[Chapter 1-4, Rules of the EPC]

D. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Pmt 61, Subpart M promulgated by the U.S. EPA - enforced by the Environmental Protection Commission (EPC) within Hillsborough County on behalf of the State of Florida - DEP to regulate asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003, Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulations.

[Chapter 469.003, F.S.]

E. Wetland Impacts

For informational purposes, TEC shall provide a copy of the Environmental Resources Permit application to EPC staff in conjunction with their submittal to DEP.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

F. Historic Landfills

TEC must ensure that all historic landfills and solid waste filled areas within the boundaries of the project in Hillsborough County are properly managed. During the development/construction planning phases associated with the project, TEC is encouraged to make an appointment with EPC staff to conduct a file review in order to determine the locations of all old landfills. Development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the EPC pursuant to Chapter 1-7, Rules of the EPC.

[Chapter 1-7, Rules of the EPC]

History

Issued 01/27/94; signed by Governor Chiles
Modified (A) 02/22/95; signed by Secretary Wetherell
Modified (B) 08/16/00; signed by Deputy Secretary Green
Modified (C) 01/03/01; signed by Deputy Secretary Green
Modified (D) 11/15/01; signed by Deputy Secretary Bedwell
Modified (E) 05/07/03; signed by Siting Administrator Oven
Modified (F) 11/05/03; signed by Siting Administrator Oven
Modified (G) 08/26/04; signed by Siting Administrator Oven
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Modified (I) 08/15/06; signed by Siting Administrator Oven
Modified (J) 02/29/08; signed by Siting Administrator Halpin
Modified (K) 10/06/08; signed by Siting Administrator Halpin
Modified (L) 12/11/09; signed by Siting Administrator Halpin
Modified (M) 10/31/11, signed by Siting Administrator Mulkey
Modified (N) 09/05/12, signed by Siting Administrator Mulkey
Issued XX/XX/XX, signed by XXXXXXXXXXXXXXXXXXXXX

Attachment A

Maps

To be inserted upon submittal

**Operation and Maintenance Instructions
for the
TECO RTI Carbon Capture / Reclaimed Water Treatment and Supply Surface Water
Management System for Non-Contact Stormwater Runoff**

The following are Operation and Maintenance Instructions for the TECO RTI carbon capture and reclaimed water treatment and supply surface water management system for non-contact stormwater runoff.

1. All surface water management system components shall be inspected annually.
2. In accordance with Department Rules, unauthorized materials or wastes, including grass clippings, shall not be disposed of or discharged into or from the surface water management system.
3. Accumulated sediments shall be periodically removed if necessary to insure the proper continued operation of the surface water management system. Any sediment so removed shall be properly disposed of in approved facilities as provided by Department Rules.
4. Elements of the conveyance system above the SHWT elevation should be kept grassed and mowed. To the extent practicable, clippings and debris should be removed after mowing. Fertilizer use should be limited around all conveyance system areas and fertilizers should not be used on the conveyance system bottoms.
5. Periodic maintenance activities shall include sodding or seeding areas as necessary to replace grass cover, and replacing soil as needed to restore facilities back to grade.
6. As applicable, non-invasive volunteer wetland vegetation that has become established in littoral zone should be maintained rather than removed. If littoral zone vegetation and sediment accumulate to such an extent that the water depth decreases, maintenance may be required. The Department should be contacted prior to initiating large scale maintenance activities of this kind.
7. Notify the Department at (813) 632-7600 within twenty-four hours of observation of sinkhole development in the surface water management system.

GROUNDWATER CONSTRUCTION, OPERATION AND MONITORING REQUIREMENTS

TECO Polk Power Station

Polk Power Station
9995 State Road 37, South
Mulberry, Florida 33860
Polk County

Latitude: 27° 43' 40" N Longitude: 81° 58' 22" W

This Groundwater Construction, Operation and Monitoring Requirements (GWCOMR) is developed by the Licensee, Tampa Electric Co, (TECO), in conjunction with the Florida Department of Environmental Protection Southwest District's Industrial Wastewater (IWW) Section and Groundwater Regulatory Section for the monitoring of the following sites (as defined in Rule 62-520.600, F.A.C.): the Cooling Water Pond and the Brine Storage Area where the outward facing portion of the pond berms define each respective site boundary.

The Department's Southwest District IWW Section is responsible for reviewing and approving all revisions to this document in accordance with Section B, I.C. (Industrial Groundwater Monitoring, and Section A, XIII. Procedures of Post-Certification Submittals of the Conditions of Certification(COC).

New sources or deletion of existing sources of wastewater with changes to water quality standards, applications for a new Water quality Criteria exemption pursuant to Rule 62-520.500 F.A.C., and improvements made at a treatment facility to provide for a new or expanded land application system with increase in the permitted capacity are considered modifications to the existing license. The licensee shall submit a petition for modification to the Conditions of Certification to the Department for review and approval in accordance with Section 403.516, F.S. and 62-17.211, F.A.C.

FACILITY DESCRIPTION

The facility is an electric generating plant with a total nominal generating capacity of approximately 920 megawatts (MW). The existing generating facility consists of five electrical generating units (Units 1, 2, 3, 4 and 5). Unit 1 is an integrated gasification combined-cycle (IGCC) generating unit with a net capacity of 260 megawatts (MW). .

Units 2, 3, 4 and 5 are simple-cycle combustion turbines (CTs) with a combined nominal generating capacity of 660 MW. Coal is the primary fuel source for the IGCC unit, which includes a variety of solid fuels such as 100 percent petroleum coke, and various coal/petroleum coke blends in between, and No. 2 fuel oils as backup fuel. Natural gas is the primary fuel source for the CT units.

WASTEWATER TREATMENT:

The facility uses a recirculating cooling pond for heat dissipation with makeup from ground water and continuous discharge to Little Payne Creek via the unnamed reclaimed lake under a National Pollutant Discharge Elimination System (NPDES) Permit No. FL0043869.

The cooling reservoir, which has a capacity of approximately 3.5 billion gallons, receives treated effluent from an on-site Industrial Wastewater Treatment (IWT) system, groundwater seepage, low-volume wastewater from the wastewater neutralization basin, including reverse osmosis concentrate, boiler blow down, equipment wash water, laboratory wastes, wash down from the materials storage areas, wastes from the equalization basin and sand filter, including filter backwash water and slag pile runoff, neutralized condensate generated in the low-temperature gas cooling (LTGC) unit and the CO₂ compression and drying system, and contact storm water runoff from the facility.

The IWT system treats the slag pile leachate and treated water from the oil water separator. The IWT includes the following basins and units: oil/water separator, dissolved air flotation tank, equalization basin, slag runoff retention basins, and sand filter. The metal cleaning wastes associated with the combustion turbine and compressor washing will be routed to the equalization basin for subsequent filtration treatment. Spent chemicals and metal cleaning wastes not associated with the wash operations will be disposed off site by a licensed contractor.

The sources of water makeup to the reservoir include rainfall, storm water runoff, treated wastewater, Floridan aquifer makeup water and treated reclaimed water from the City of Lakeland.

I. SITE GROUNDWATER MONITORING

A. Construction Requirements

1. Within thirty (30) days after completion of construction or abandonment of new ground water monitor wells, the following information shall be submitted:
 - a. A copy of the Southwest Florida Water Management District (SWFWMD) State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well (LEGR.040.01 (June 2010) 40D-3.101(1), F.A.C.) and
 - b. A copy of the SWFWMD Well Completion Report (LEG-R.005.02 (June 2010) 40D-3.411(1)(a), F.A.C.), SWFWMD Well Completion Report, and DEP Form 62-520.900(3), Monitor Well Completion Report, for each well shall be submitted to the Southwest District IWW Section. The DEP form can be accessed at <http://www.dep.state.fl.us/water/groundwater/forms.htm>. [62-532.410 and 62-520.900(3)]

The information shall be sent to the Ground Water Regulatory Section, Southwest District office, Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL 33637.

2. The Licensee or the authorized representative shall give at least 72-hours notice to the Department's Southwest District Office, prior to the installation of any monitoring wells. *[62-520.600(6)(h)]*
3. The Licensee or the authorized representative shall sample all new ground water monitoring wells for the Primary and Secondary Drinking Water parameters included in Rule 62-550, Florida Administrative Code, Public Drinking Water Systems (excluding asbestos, acrylamide dioxin, butachlor and epichlorohydrin). Results of this sampling shall be submitted to the Department within sixty days after sampling. *[62-520.600]*
4. The new wells shall be sampled Semi-annually for the parameters identified in condition I.B.3. below. All field work done in connection with this GWCOMR regarding the collection of ground water samples shall be conducted in accordance with the Standard Operating Procedures (SOPs) described in DEP-SOP-001/01 (revised March 31, 2008, effective December 3, 2008), or as replaced by successor SOPs [Rule 62-160.210(1), F.A.C.]. All laboratory analyses done in connection with this GWCOMR shall be conducted by firms that hold certification from the Department of Health, Environmental Laboratory Certification Program under Chapter 64E-1, F.A.C.
5. Before construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location to properly determine monitoring well specifications such as well depth, screen interval, screen slot, and filter pack. *[62-520.600(6)(g)]*
6. Within sixty [60] days after completion of construction of new ground water monitoring wells, a properly scaled figure depicting monitor well locations (active and abandoned) with identification numbers shall be submitted to the Southwest District IWW Section. The figure shall also include (or attach) the monitoring well, top of casing, and ground surface elevations referenced to National Geodetic Vertical Datum (NGVD) of 1929 to the nearest 0.01 foot, along with monitor well location latitude and longitude to the nearest 0.1 second. *[62-520.600(6) (i)]*
7. All piezometers and monitoring wells not part of this GWCOMR are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless future use is intended. *[62-532.500(4)]*

B. Operational Requirements

1. During the period of operation authorized by this Certification the licensee shall continue to sample ground water at the monitoring wells identified in Section I.B.2. below, in accordance with the COC and GWCOMR prepared in accordance with Rule 62-520.600, F.A.C.
2. The following monitoring wells shall be sampled for Groundwater Monitoring requirements:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Aquifer Monitored	New or Existing
MWB-1S	Background well	Surficial	Existing

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Aquifer Monitored	New or Existing
MWB-1UI	Background well	Upper Intermediate	Existing
MWB-1LR	Background well	Upper Floridan	Existing
MWC-2S	Compliance well	Surficial	Existing
MWC-2UI	Compliance well	Upper Intermediate	Existing
MWC-2LI	Compliance well	Upper Floridan	Existing
MWC-3S	Compliance well	Surficial	Existing
MWC-3UI	Compliance well	Upper Intermediate	Existing
MWC-3F	Compliance well	Upper Floridan	Existing
MWC-4S	Compliance well	Surficial	Existing
MWC-4UI	Compliance well	Upper Intermediate	Existing
MWC-5S	Compliance well	Surficial	Existing
MWB-6S	Background well	Surficial	Existing

MWB = Background; MWI = Intermediate; MWC = Compliance; MWP = Piezometer

3. The monitor wells specified in Condition.I.B.2 above shall be sampled for the parameters listed below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD*	NA	FEET	In-situ	Semi-annual
Turbidity *	NA	NTU	In-situ	Semi-annual
Specific Conductance *	NA	UMHOS/CM	In-situ	Semi-annual
pH *	6.5-8.5	SU	In-situ	Semi-annual
Temperature Water *	NA	DEG.C	In-situ	Semi-annual
Oxygen, Dissolved*	NA	MG/L	In-situ	Semi-annual
Antimony	0.006	MG/L	Grab	Semi-annual
Arsenic, Total	10	UG/L	Grab	Semi-annual
Fluoride, Total	4.0	MG/L	Grab	Semi-annual
Nickel, Total	100	Ug/L	Grab	Semi-annual
Nitrate, Total	10	MG/L	Grab	Semi-annual
Selenium, Total	50.0	UG/L	Grab	Semi-annual

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to NGVD*	NA	FEET	In-situ	Semi-annual
Sodium, Total	160	MG/L	Grab	Semi-annual
Total Coliform	4	cts/100mL	Grab	Semi-annual
Thallium, Total	2.0	UG/L	Grab	Semi-annual
Chloride, Total	250	MG/L	Grab	Semi-annual
Iron, Total**	0.3	MG/L	Grab	Semi-annual
Iron, Filtered**	0.3	MG/L	Grab	Semi-annual
Manganese , Total **	0.05	MG/L	Grab	Semi-annual
Manganese, Filtered**	0.05	MG/L	Grab	Semi-annual
Sulfate, Total	250	MG/L	Grab	Semi-annual
Color	NA	CU	Grab	Semi-annual
Alkalinity	NA	MG/L	Grab	Semi-annual

* The field parameters shall be sampled per DEP-SOP-001/01, FS 2200 Ground Water Sampling, Figure FS 2200-2 Ground Water Purging Procedure (<http://www.dep.state.fl.us/water/sas/sop/sops.htm>) and recorded on Form FD 9000-24, Ground Water Sampling Log (<http://www.dep.state.fl.us/water/sas/qa/forms.htm>). The sampling logs shall be submitted with each ground water Part D DMR. The field parameters to be reported on Part D of GW DMR shall be the last sample recorded on FD 9000-24.

** These parameters shall be sampled **Quarterly** on Surficial wells **MWB-1S, MWC-2S, MWC-3S, MWC-4S, MWC-5S** and **MWB-6S**.

4. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 feet. [62-520.600(11)(c)]
5. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample. [62-160.210]
6. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions. [62-520.310(5)]
7. Ground water monitoring test results shall be submitted as required under Section B.I. Department of Environmental Protection B.15 of the Conditions of Certification.
8. The licensee shall take a representative sample of the cooling water pond and the sample shall be analyzed for manganese and iron quarterly at the same sampling schedule of the surficial monitoring wells. Test results shall be submitted as required under Section B.I. Department of Environmental Protection B.15 of the Conditions of Certification.
9. Every 5 years upon issuance of the Modification N COC, the licensee shall submit a proposal identifying the IWW wells in the Department-approved monitoring requirements that will be sampled for the Primary and secondary drinking water

parameters included in Chapter 62-550, F.A.C., (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). The selection of the wells should include at least one background well and one intermediate well, if they are available. Compliance well selections should be based on recent groundwater conditions. Sampling results should be submitted sixty days (60) upon Department's approval of the well proposal sampling. [62-520.600(5)(b).]

10. Within six (6) months of startup for any new facilities, including but not limited to the addition of a new source of water makeup to the cooling water pond, certified through supplemental proceedings and at least every five (5) years thereafter the Licensee shall provide a waste stream characterization for the cooling water pond. The waste streams shall be analyzed for the Primary and Secondary Drinking Water parameters included in Rule 62-550, F.A.C Public Drinking Water Systems (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site), Fecal Coliform. In addition, volatile organics and extractable semivolatile organics shall be analyzed.. The results shall be submitted to the Ground Water Regulatory Section, Southwest District office
11. If, at any time, background ground water standards are exceeded at the edge of the zone of discharge, the Licensee has fifteen (15) days from receipt of the laboratory analyses in which to resample the monitor well(s) to verify the original analyses. The monitoring test results must be submitted to the Department within fifteen (15) days of receipt of the reanalyses from the laboratory. Should the Licensee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility.
12. If the concentration for any constituent listed in Section I.B.3, in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard. [62-520.420(2)]
13. If any monitor well becomes damaged or inoperable, the licensee shall notify the Department's SWD office the next business day from discovery, and a detailed written report shall follow within seven (7) days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation. [62-520.600][62-620.320(6)]
14. The Licensee shall ensure that the water quality standards for Class G-II ground waters will not be exceeded at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
15. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., shall be met within the zone of discharge. [62-520.400 and 62-520.420(4)]
16. Within forty five [45] days upon issuance of the Modification N COC, the licensee shall redevelop monitoring well MWC-5S and submit redevelopment details on Part III of

FDEP Form 62-522.900(3), F.A.C. "Monitor Well Completion Report". The results shall be submitted to the Ground Water Regulatory Section, Southwest District office.

C. Other Specific Conditions

A. Specific Conditions Applicable

1. Drawings, plans, documents or specifications submitted by the licensee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) F.S., applicable portions of reports to be submitted as required by this GWCOMR shall be signed and sealed by the professional(s) who prepared them.

D. General Conditions

1. This license does not relieve the licensee 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 license source; nor does it allow the licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The licensee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this license which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a licensee in an enforcement action that it would have been necessary to halt or reduce the licensee activity in order to maintain compliance with the conditions of this license. *[62-620.610(5)]*
2. The licensee shall report to the Department's Southwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the licensee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:

1. For unauthorized releases or spills of untreated or treated 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 Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (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 Department's Southwest 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 Southwest District Office shall waive the written report. [62-620.610(20)]

3. 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 Licensee for bypass, unless the licensee 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 Licensee submitted notices as required under General Condition 3(c). of this Attachment C-1.
- c. If the licensee 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 licensee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required under General Condition #2 of this Attachment C-1. 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 General Condition #3(b) 1 through 3 of this Attachment C-1.
 - 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 General Condition #3, b. through d. of this Attachment C-1.

4. 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 licensee 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 licensee can identify the cause(s) of the upset;
 - (2) The licensed facility was at the time being properly operated;

- (3) The licensee submitted notice of the upset as required in General Condition # 1. of this Attachment C-1; and
 - (4) The licensee complied with any remedial measures required under General Condition #1 of this Attachment C-1.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the licensee.
- 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)]*

Attachment C-2

Solid Waste

Groundwater Construction, Operation and Monitoring Requirements (GWCOMR) Plan

To be inserted upon submittal

THIS IS NOT A SPECIAL WARRANTY DEED CERTIFIED COPY

THIS SPECIAL WARRANTY DEED, made and entered into this 2 day of July, 2003, by and between Tampa Electric Company, a Florida corporation, whose mailing address is 702 N. Franklin Street, Tampa, Florida 33602 (hereinafter referred to as the "Grantor"), and the Tampa Port Authority, a body politic incorporated existing under the State of Florida, whose mailing address is 1101 Channelside Drive, Tampa, Florida 33602, (hereinafter referred to as the "Grantee").

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers unto the Grantee and its successors and assigns forever, all that certain land situated in Hillsborough County, Florida, more fully described at Exhibit "A" hereof (the "Property"), which has Parcel Identification Number as a portion of #32868.0000 and 32851.0000.

TOGETHER with all the tenements, heridataments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the Grantee in fee simple forever.

The Grantor does hereby warrant the title to the above described lands and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under the Grantor but against none other.

The Property is being conveyed to the Grantee, its successors and assigns, subject to existing governmental restrictions, rights and limitations.

1 2003 07 07 03:39:31 PM RICHARD AKE CLERK OF COURT HILLSBOROUGH COUNTY DOC TAX PD (F.S. 201.02) 0.70 DEPUTY CLERK S Edson

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RICHARD AKE CLERK OF COURT

HILLSBOROUGH COUNTY

DOC TAX PD (F.S. 201.02) 0.70

DEPUTY CLERK S Edson

This Instrument was prepared by
JOE KICKLITER
TAMPA ELECTRIC COMPANY
P. O. Box 111
Tampa, Florida 33601-0111

THIS IS NOT A

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be
 executed as of the 2 day of July, 2003.

Signed, sealed and delivered
 in the presence of:

Melissa E. Deck
 Print Name: MELISSA E. DECK
Mark J. Ebbert
 Print Name: MARK J. EBBERT

TAMPA ELECTRIC COMPANY, a
 Florida corporation

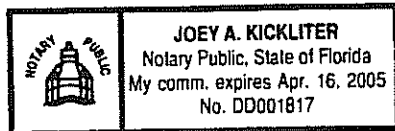
By: M. N. Dominguez
 M. N. Dominguez
 As its Vice-President

CORPORATE SEAL

STATE OF FLORIDA
 COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, this day personally appeared M. N. Dominguez as Vice- President of Tampa Electric Company, a Florida corporation, who is personally known to me and who acknowledged to and before me the execution of said instrument on behalf of and in the name of said corporation.

IN WITNESS WHEREOF, I HAVE hereunto set my hand and affixed my official seal this 2 day of July, 2003.



NOTARY STAMP/SEAL

Joey A. Kickliter
 NOTARY PUBLIC (Signature)
 Print Name Joey A. Kickliter
 Commission No.
 Commission Expires

THIS IS NOT A EXHIBIT "A" SPECIAL WARRANTY DEED CERTIFIED COPY

Legal Description of Property

Legal Description: Parcel 5

All those submerged lands in Sections 20, 21, 22, 28, 29, 30, 31 and 32, Township 32 South, Range 18 East, Hillsborough County, Florida, lying between the Mean High Water Line of Tampa Bay, Cockroach Bay the adjoining Creeks, Streams and Water Sheds and the Hillsborough County Bulk Head Line recorded in Plat Book 40, Page 66 of the Public Records of Hillsborough County, Florida. Said lands bounded on their Southermost extreme by the Westerly projection of the South boundary of the Northeast $\frac{1}{4}$ of said Section 31. Said lands bounded on their Northeastermost extreme by the Northerly projection of the West boundary of the East 660.00 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 22.

Less all that part of said submerged lands in said Section 28 described as the North 500.00 feet of Section 28, Township 32 South, Range 18 East, Hillsborough County, Florida.

Attachment E – Mitigation Plan

History

TECO certified the Polk Power Station (PA92-32) pursuant to the Power Plant Siting Act (PPSA), ss. 403.501-518, Florida Statutes (F.S.) in 1994. The Polk Power Station is planned to operate at an ultimate capacity of 1150 megawatts (MW). There are currently 5 power generating turbines on the site. Unit 1 is a 260 MW combined cycle combustion turbine. Units 2-5 are 165 MW simple cycle gas turbines. The future expansion of the Polk Power Station will require additional cooling water. TECO has formed the Regional Reclaimed Water Partnership Initiative with the Southwest Florida Water Management District (SWFWMD) and the City of Lakeland in order to use reclaimed water to supplement cooling water to the Polk Power Station and reduce groundwater withdrawals from the Southern Water Use Caution Area as well as help reduce nutrient loading to the Alafia River.

Project Description

To construct approximately 15 miles of 30-36-inch diameter underground pipeline from the City of Lakeland's Wetland Treatment System (WTS) to the Polk Power Station. The project includes the clearing of approximately 2.816 acres of mixed hardwood wetlands (FLUCCS Code 617) and shrub swamps (FLUCCS Code 647) primarily associated with Hookers Prairie, a Class III Florida Waterbody.

Project Location

The project northern terminus is located at 4095 E. State Road 60, in Mulberry. The project southern terminus is located at 9995 State Road 37 South, Mulberry, at the Polk Power Station. The project corridor is located in Sections 1, 12, 13, 14, 23, 26, and 35, Township 30 South, Range 23 East, Sections 6 and 7, Township 30 South, Range 24 East, Sections 2, 11, 14, 22, 23, 27, and 34, Township 31 South, Range 23 East, and Section 3, Township 32 South, Range 23 East, in Polk County. This Notification of Compliance does not include the portion of the project located between Mulberry Phosphate's property and Cozart Road.

The Licensee shall comply with the following conditions prior to commencement of any construction activities:

1. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the Licensee's name and Environmental Resource Tracking Number (PA No.): 530305815-003, and shall be directed by e-mail to SW_ERP@dep.state.fl.us with a subject line of compliance PA No. 53-0305815-003, or by mail to:

Department of Environmental Protection
Southwest District
Submerged Lands and Environmental Resource Program
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

2. To mitigate for impacts to 2.054 acres of moderate quality mixed hardwood wetlands (FLUCCS Code 617), and 0.762 acres of moderate quality shrub swamps (FLUCCS Code 647), the Licensee shall purchase 0.233 freshwater forested credits from the Peace River Mitigation Bank. Prior to any construction or impacts authorized by this notification, the Licensee shall provide the Department with documentation that 0.233 freshwater forested credits have been deducted from the credit ledger of the Peace River Mitigation Bank SWFWMD permit number 43029983.
3. Prior to any construction or impacts authorized by this notification within the area encumbered by conservation easement, the Licensee shall provide the Department with documentation that The Mulberry Phosphates, Inc. conservation easement has been modified to allow the construction of the pipeline.

4. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the Licensee, without the prior written approval of that property owner. This authorization does not cover the portion of the project located between Mulberry Phosphate's property and Cozart Road nor any construction in, on, or over submerged lands owned by the State of Florida.

The Licensee shall comply with the following conditions prior to the transfer to operation phase and beneficial occupancy:

5. All pipeline corridors and staging areas shall be restored to pre-construction site conditions, including contours and elevations, within 15 days of pipeline installation. The permittee shall segregate and return the upper 12-inches of wetland topsoil to the top of the trench during backfilling.

6. A "Time Zero" Monitoring Report shall be submitted within 14 days of completion of the re-grading activities within the natural or reclaimed wetland impact areas and shall include the following:

a. Date the re-grading was completed;

b. Color photographs to provide an accurate representation of each re-graded area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan-view.

7. Subsequent Monitoring Reports shall be submitted to the District office semiannually for the first year and annually thereafter until the success criteria outlined in Condition No. 8 are achieved. The Restoration Monitoring Reports shall include the following for each restoration area:

a. Color photographic prints taken from the reference points established in the Time Zero Monitoring Report.

b. Plant species composition with estimates of the contribution of each species to percent cover.

c. Total contribution to percent cover by non-native wetland species and species not listed in 62-340, F.A.C.

8. The restoration shall be deemed successful when the following criteria has been continuously met for a period of six months, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:

a. Native wetland species have achieved a minimum of 80% coverage.

9. The Licensee shall meet the restoration success criteria as defined in Condition No. 8. The responsibility to assess if the restoration areas are meeting the success criteria shall not fall solely on the Department. In the event the Licensee becomes aware the restoration areas are not meeting the success criteria (based on either site observations or review of monitoring reports) after three years of monitoring, the Licensee shall be responsible to submit an alternative restoration plan to the Department for review and approval.

Attachment F

Southwest Florida Water Management District

Metering Instructions

District ID No.	TEC ID No.	Location	Latitude/ Longitude	Recording Frequency
5	R1	Inflow Reclaimed line to TEC	274312.10 815932.46	monthly
6	R2	Reclaimed Line to Cooling Reservoir	274311.66 815927.00	monthly
7	SG1	Cooling Reservoir	274341.59 815823.22	bi-weekly

Note: Any proposed change to a latitude / longitude location listed above that may be greater than 100 feet shall require preapproval from the District.

1. Water Level Instructions. The staff gauge shall be surveyed according to instructions given on the District website and referenced to the North American Vertical Datum 1988, and a copy of the survey indicating the datum reference shall be submitted with the first water level data report. The staff gauge shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a frequency as indicated in the table provided in the special condition and reported to the District Water Use Permit Bureau, online via the WUP Portal at the District website or in hardcopy on District-provided forms on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded on a regular schedule as indicated in the recording timetable below. The frequency of recording may be modified by the District Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Water Level Recording Timetable

Frequency	Recording Schedule
Daily	Same time of each day
Weekly	Same day of each week
Bi-Weekly	Same day every two weeks
Monthly	Same week of each month
Quarterly	Same week of months specified

2. Metering Instructions. TEC shall meter withdrawals/discharges from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter readings shall be reported to the District Water Use Permit Bureau on or before the tenth day of the following month. TEC shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the District Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

a. The meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months authorized quantities. If other measuring devices are proposed, prior to installation, approval shall be obtained in writing from the District Water Use Permit Bureau Chief.

b. TEC shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.

c. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

d. The flow meters or other approved devices shall have and maintain an accuracy within five percent of the actual flow as installed.

e. Meter accuracy testing requirements:

(1) For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

(2) The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.

(3) The testing frequency will be decreased if TEC demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

(4) The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.

(5) If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, TEC shall have the meter re-calibrated, repaired, or replaced, whichever is necessary.

Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

f. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to 10 times the outside pipe diameter and a downstream length equal to 2 times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.

g. Broken or malfunctioning meter:

(1) If the meter or other flow measuring device malfunctions or breaks, TEC shall notify the District within 15 days of discovering the malfunction or breakage.

(2) The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.

(3) If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.

h. While the meter is not functioning correctly, TEC shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

i. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. TEC shall notify the District of the replacement with the first submittal of meter readings from the new meter.

3. Flow Meter Accuracy Test Instructions.

a. Accuracy Test Due Date - TEC is to schedule their accuracy test according to the following schedule:

(1) For existing metered withdrawal points, add five years to the previous test year, and make the test in March.

(2) For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in March.

(3) For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in March.

(4) For TEC's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, TEC can submit a request in writing to the District Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing.

(5) The month for accuracy testing of meters is March. TEC is requested but not required to have testing done in March. This is to have sufficient District staff available for assistance.

b. Accuracy Test Requirements: TEC shall test the accuracy of flow meters on authorized withdrawal points as follows:

(1) The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

(2) A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

(3) If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

(4) The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

c. Accuracy Test Report: TEC shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

(1) A completed Flow Meter Accuracy verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District's website (www.watmatters.org) under "ePermitting and Rules" for Water Use Permits.

(2) A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

(3) A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

(4) The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

(5) A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

(6) A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items with a notation of distances to these items.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Herschel T. Vinyard Jr.
Secretary

Sent by E-mail to:
(kasheffield@tecoenergy.com)

In the Matter of an
Application for Permit Revision by:

Tampa Electric Company
Ms. Karen A. Sheffield, P.E.
General Manager
P.O. Box 111
Tampa, FL 33601

PA File No. FL0043869-011-IW1S
Polk County
Polk Power Station
NPDES Permit No. FL0043869

NOTICE OF PERMIT

Enclosed is Permit Number FL0043869 to operate the Tampa Electric Polk Power Station, issued under Chapter 403, Florida Statutes.

Please note that this permit shall take effect on March 31, 2014 -- not on the issuance date of this notice. The current permit for this facility expires on March 30, 2014. Until such time, the current permit and all the permit requirements therein shall remain in effect. Monitoring requirements under this permit are effective on the first day of the second month (May 1, 2014) following permit effective date. Until such time, the Permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any.

Any party to this order (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 of Environmental Protection, 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 document is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A handwritten signature in cursive script, reading "Elsa A. Potts".

Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management

FILING AND ACKNOWLEDGMENT

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

S. Shields

Clerk

10-31-13

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this DOCUMENT AND ATTACHMENTS and all copies were mailed before the close of business on 10-31-13 to specific listed persons.

Shirley Shields

Name

10-31-13

Date

Copies furnished by e-mail to:

Mark Nuhfer, Chief, NPDES Permitting Section, EPA Region 4 (nuhfer.mark@epamail.epa.gov)
Karrie-Jo Shell, Power Plant NPDES Permits, EPA Region 4 (shell.karrie-jo@epamail.epa.gov)
Melony Bell, Chairman, Board of Polk County Commissioners (melonybell@polk-county.net)
FWC, Conservation Planning Services (fwcconservationplanningservices@myfwc.com)
U.S. Fish and Wildlife Services (jim_valade@fws.gov)
Florida Department of Economic Opportunity, State Land Planning agency (ray.eubanks@deo.myflorida.com)
Florida Department of State, Bureau of Historic Preservation (compliancepermits@dos.state.fl.us)
U.S. Army Corps of Engineers (james.j.mcadams@usace.army.mil)
Paul Carpinone, TEC (plcarpinone@tecoenergy.com)
David M. Lukcic, P.E., TEC (dmlukcic@tecoenergy.com)
Amy Butler, P.E., TEC (ambutler@tecoenergy.com)
Jack Doolittle, ECT (jdoolittle@ectinc.com)
Candice Burger, DEP Tallahassee (candice.burger@dep.state.fl.us)
Cindy Mulkey, DEP Tallahassee (cindy.mulkey@dep.state.fl.us)
Mauryn McDonald, P.E., DEP Tampa (mauryn.mcdonald@dep.state.fl.us)
Ilia Balcom, DEP Tampa (Ilia.balcom@dep.state.fl.us)

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Tampa Electric Company
P.O. Box 111
Tampa, FL 33601

PERMIT NUMBER: FL0043869-011 (Major)

FILE NUMBER: FL0043869-011-IW1S

ISSUANCE DATE: **October 30, 2013**

EFFECTIVE DATE: **March 31, 2014**

EXPIRATION DATE: **March 30, 2019**

RESPONSIBLE OFFICIAL:

Mr. Stanley M. Kroh
Land, Water and Stewardship Programs Manager

FACILITY:

Polk Power Station
9995 State Road 37, South
Mulberry, Florida 33860
Polk County

Latitude: 27° 43' 40" N Longitude: 81° 58' 22" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.) and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. This permit does not constitute authorization to discharge 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:

FACILITY DESCRIPTION:

The facility is an electric generating plant with a total nominal generating capacity of approximately 920 megawatts (MW). The existing generating facility consists of five electrical generating units (Units 1, 2, 3, 4 and 5). Unit 1 is an integrated solid fuel gasification combined cycle unit, General Electric Model Number 7F, with a nominal net capacity of 260 MW. Unit 1 is capable of using a variety of solid fuels, such as 100 percent coal, 100 percent petroleum coke, and various coal/petroleum coke blends in between, as well as No.2 fuel oil as a backup fuel. Units 2 and 3 are two dual-fuel simple-cycle combustion turbine generators, General Electric PG7241FA, each with a nominal generating capacity of 165 MW. Units 4 and 5 consist of two simple-cycle combustion turbine generators, General Electric PG7241FA, each with a nominal generating capacity of 165 MW, which utilize fin-fan closed-loop cooling systems. Units 4 and 5 were placed into operation in 2007.

The existing Units 2-5 will be converted to combined cycle units with a generating capacity of 1160 MW with the integration of four heat recovery steam generators, a steam turbine, and a mechanical draft cooling tower. The total nominal generating capacity will increase to 1420 MW.

The facility includes RTI scale-up high temperature syngas cleanup and carbon capture (RTI) and reclaimed water pretreatment facilities.

WASTEWATER TREATMENT:

The facility uses a recirculating cooling pond for heat dissipation with makeup from ground water and continuous discharge to Little Payne Creek via the unnamed reclaimed lake. The cooling reservoir, which has a capacity of approximately 3.5 billion gallons, receives treated effluent from an on-site Industrial Wastewater Treatment (IWT) system, precipitation, groundwater seepage, low-volume wastewater (reject water from the Reverse Osmosis Unit, boiler blowdown, and laboratory wastes), washdown from the materials storage areas, groundwater from the Floridan aquifer, stormwater run-off from the diversion box, treated reclaimed water, non-contact stormwater from the reclaimed water pretreatment system and from other site areas, cooling tower blowdown, and recirculated cooling water.

PERMITTEE: Tampa Electric Company
FACILITY: Polk Power Station

PERMIT NUMBER: FL0043869-011 (Major)
EXPIRATION DATE: March 30, 2019

The IWT system treats the slag pile leachate and treated water from the oily water separator. The IWT includes the following basins and units: oil/water separator, dissolved air flotation tank, equalization basin, slag runoff retention basins, and sand filter. All oil-bearing equipment is segregated using curbed areas with drains directing wash water, stormwater runoff, contact stormwater from the RTI facility containment area, minor leaks, and spills to the oil/water separator. Low volume wastes (boiler blowdown, laboratory wastes, and RO concentrate) are directed to the diversion box. Sand filter backwash water from the IWT system treatment is filtered and directed to the diversion box. New internal outfall I-009, Diversion Box Wastewater, consists of combined low volume and equalization wastewaters.

Effluent from the cooling pond is mixed and aerated in a sulfuric acid mixing sump, then monitored in a pH monitoring sump prior to discharge via Outfall D-001 to the unnamed reclaimed lake.

Effluent condensate stream from the RTI facility receives treatment via neutralization prior to discharge to the cooling reservoir.

The metal cleaning wastes associated with the combustion turbine and compressor washing will be routed to the equalization basin for subsequent filtration treatment. Spent chemicals and metal cleaning wastes not associated with the wash operations will be disposed off site by a licensed contractor.

Stormwater runoff associated with industrial activity is collected around the plant, receives treatment via detention pond, and is discharged through Outfall D-002 into an old mine cut to the unnamed reclaimed lake. Stormwater within containment areas may be diverted to the oil-water separator thence discharged through I-004. Slag leachate collected from the slag pile is sent to either of the two double lined slag leachate ponds, then filtered prior to discharge via outfall I-004.

REUSE:

The facility receives reclaimed water from the City of Lakeland's Glendale Water Reclamation Wetland Treatment System. A water treatment system will be installed at Polk Power Station for further treating the wetland treatment system effluent. Treatment includes coagulation, flocculation, and clarification through a DensaDeg® reactor/clarifier followed by granular media cluster filtration and reverse osmosis. The reclaimed water is primarily used as supplemental make-up water for the cooling water systems, cooling tower make-up water, and secondarily other plant water uses. During limited periods of startup, shutdown, testing, or maintenance of the on-site water treatment system, wetland treatment system effluent may be directly discharged into the onsite cooling reservoir.

The wastewaters generated by the reclaimed water treatment system will be injected into two existing deep wells also known as underground injection control (UIC) program wells. The use of these wells is authorized under a separate permit (UIC Permit No. 0281232).

EFFLUENT DISPOSAL:

Surface Water Discharge D-001: An 8 MGD daily maximum design flow of cooling reservoir blowdown through Outfall D-001 to an unnamed reclaimed lake, which is a Class III fresh water, thence to an unnamed ditch, thence to Little Payne Creek (WBIDs 1757A and 1757B). The Outfall D-001 point of discharge is located approximately at latitude 27° 43' 40" N, longitude 81° 58' 20" W.

Surface Water Discharge D-002: An existing discharge of stormwater associated with industrial activity through Outfall D-002 to an unnamed old mine cut to an unnamed reclaimed lake, which is a Class III fresh water, thence to Little Payne Creek. The Outfall D-002 point of discharge is located approximately at latitude 27° 44' 00" N, longitude 81° 59' 10" W.

Internal Outfall I-003 (Low Volume Waste): An existing permitted discharge to the cooling reservoir.

Internal Outfall I-004 (Equalization Basin Wastewater): An existing permitted discharge to the cooling reservoir.

Internal Outfall I-005 (RTI Treated Condensate): A new 56 gpm (0.08 MGD) Daily Maximum Flow permitted discharge to the cooling reservoir.

PERMITTEE: Tampa Electric Company
FACILITY: Polk Power Station

PERMIT NUMBER: FL0043869-011 (Major)
EXPIRATION DATE: **March 30, 2019**

Internal Outfall I-006 (On-site Reclaimed Water Treatment System Stormwater): A new permitted discharge of non-contact stormwater from the on-site reclaimed water treatment system and other site areas to the cooling reservoir.

Internal Outfall I-007 (Treated Reclaimed Water): A new permitted discharge of reclaimed water from the on-site reclaimed water treatment system to the cooling reservoir.

Internal Outfall I-008 (Cooling Tower Blowdown): A new permitted discharge of cooling tower blowdown to the cooling reservoir.

Internal Outfall I-009 (Diversion Box Wastewater): A new permitted discharge of diversion box wastewater to the cooling reservoir.

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 28 of this permit.

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge recirculating cooling water, groundwater make-up, inward groundwater seepage, IGCC/CC/CT area runoff, precipitation, industrial wastewater treatment system effluent, reclaimed water, treated RTI condensate, cooling tower blowdown, stormwater runoff, low volume wastewater, and material storage area washdown from **Outfall D-001, COOLING RESERVOIR BLOWDOWN**. Such discharge shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	
Flow	MGD	Max Max	8.0 Report	Daily Maximum Monthly Average	Continuous	Recorder ¹ or Calculation	FLW-1	
Temperature (F), Water	Deg F	Max Max Max	88.7 ² 92.0 ³ Report	Monthly Average Monthly Average Daily Maximum	Continuous	Recorder	EFF-1	See I.A.7
Temperature (F), Water (Ambient)	Deg F	Max	Report	Monthly Average	Continuous	Recorder	SWA-1	See I.A.7
(ΔT) Temp. Diff. between Sample and Upstrm	Deg F	Max Max	Report 4.7	Daily Maximum Daily Average	Continuous	Calculated	EFF-1 SWA-1	See I.A.7
pH	s.u.	Min Max	8.5 6.0	Daily Maximum Daily Minimum	Continuous	Recorder	EFF-1	See I.A.5
Length of Longest pH Excursion	min	Max Max	60 446	Single Sample Monthly Total	Continuous	Recorder	EFF-1	See I.C.18
pH	s.u.	Max	Report	Daily Maximum	Per Occurrence	Grab	EFF-1	See I.A.4 and I.A.5
Phosphorus, Total (as P)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Temperature (C), Water	Deg C	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	See I.A.4
Nitrogen, Ammonia, Total (as N)	mg/L	Max Max	0.58 0.58	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Ammonia, Unionized (as NH3)	mg/L	Max Max	0.02 0.02	Daily Maximum Monthly Average	Monthly	Calculated	EFF-1	See I.A.4
Nitrogen, Nitrate, Total (as N)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Nitrogen, Nitrite, Total (as N)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Nitrogen, Kjeldahl, Total (as N)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Nitrogen, Total	mg/L	Max Max	2.93 ⁴ 2.93 ⁴	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	See I.C.17
Oxygen, Dissolved (DO)	mg/L	Min	5.0	Daily Minimum	2 Days/Week	Grab	EFF-1	See I.A.8
Oil and Grease	mg/L	Max Max	5.0 5.0	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Sulfate, Total	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	

¹ Recording flow meters and totalizers shall be calibrated at least annually.

² Limit is applicable November through April.

³ Limit is applicable May through October.

⁴ Ambient water quality limit established from the 1991 preconstruction monitoring for Conditions of Certification PA 92-32 under the Power Plant Siting Act.

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Solids, Total Suspended	mg/L	Max Max	100.0 30.0	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Chlorine, Total Residual	mg/L	Max Max	0.01 0.01	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Antimony, Total Recoverable	mg/L	Max Max	4.30 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Arsenic, Total Recoverable	ug/L	Max Max	50 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Beryllium, Total Recoverable	ug/L	Max Max Max	0.13 Report Report	Annual Average ⁵ Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Cadmium, Total Recoverable	ug/L	Max	See I.A.6 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	See I.A.6
Copper, Total Recoverable	ug/L	Max	See I.A.6 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	See I.A.6
Zinc, Total Recoverable	ug/L	Max	See I.A.6 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	See I.A.6
Lead, Total Recoverable	ug/L	Max	See I.A.6 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	See I.A.6
Nickel, Total Recoverable	ug/L	Max	See I.A.6 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	See I.A.6
Selenium, Total Recoverable	ug/L	Max Max	5.0 5.0	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
Silver, Total Recoverable	ug/L	Max Max	0.07 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Thallium, Total Recoverable	ug/L	Max Max	6.3 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Iron, Total Recoverable	mg/L	Max Max	1.0 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Specific Conductance	umhos/ cm	Max Max	1275 Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Alpha, Gross Particle Activity	pCi/L	Max Max	15.0 15.0	Daily Maximum Monthly Average	Monthly	Grab	EFF-1	
BOD, Carbonaceous 5 day, 20C	mg/L	Max Max Max	8.5 6.0 6.0	Daily Maximum Monthly Average Annual Average ⁵	Monthly	Grab	EFF-1	
Hardness, Total (as CaCO ₃)	mg/L	Max	Report Report	Daily Maximum Monthly Average	Semi-Annually; twice per year	Grab	EFF-1	
Chronic Whole Effluent Toxicity, 7-Day IC ₂₅ (Ceriodaphnia dubia)	percent	Min	100	Single Sample	Quarterly	24-hr FPC	EFF-1	See I.A.10
Chronic Whole Effluent Toxicity, 7-Day IC ₂₅ (Pimephales promelas)	percent	Min	100	Single Sample	Quarterly	24-hr FPC	EFF-1	See I.A.10

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
FLW-1	Flow measured with bubbler water level sensor. Sensors connected to a data logger in central laboratory for integrated daily average flow calculations.

⁵ Annual average means the maximum concentration at average annual flow conditions measured and represented as a 12-month rolling average.

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Monitoring Site Number	Description of Monitoring Site
EFF-1	Nearest accessible point after treatment, but prior to mixing with the receiving water(reclaimed lake)
SWA-1	Temperature monitoring sensor at the old mine cut, located upstream from the unnamed reclaimed lake.

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
4. Effluent samples for pH and temperature shall be monitored at the same time and location as the total ammonia grab sample which is used to calculate the unionized ammonia value. Unionized ammonia shall be calculated using the DEP Standard Operating Procedure for "Calculation of Un-Ionized Ammonia in Fresh Water" dated February 12, 2001. All measured values for pH, temperature, and total ammonia used to calculate an unionized ammonia value shall be reported as an attachment to the Discharge Monitoring Report (DMR). All calculated un-ionized ammonia values shall be reported on the attachment. The daily maximum value for un-ionized ammonia for each reporting period shall be reported on the DMR. [62-4.246(4) and [62-302.530(3)]
5. pH monitoring equipment shall be regularly calibrated and maintained in accordance with the manufacturer's instructions. The permittee shall collect pH data in accordance with the Department's standard operating procedure titled "DEP-SOP-001/01 FT 1100 Field Measurement of Hydrogen Ion Activity (pH)" located at <http://www.dep.state.fl.us/labs/qa/sops.htm>.
6. The limit for "Cadmium, Total Recoverable", "Copper, Total Recoverable", "Zinc, Total Recoverable", "Lead, Total Recoverable", and "Nickel, Total Recoverable" shall be calculated using the following equation(s):

$$Cd \leq e^{(0.7409[\ln H]-4.719)}$$

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

$$Zn \leq e^{(0.8473[\ln H]+0.884)}$$

$$Pb \leq e^{(1.273[\ln H]-4.705)}$$

$$Ni \leq e^{(0.846[\ln H]+0.0584)}$$

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

The measured effluent value shall be recorded on the DMR in the parameter row for "Cadmium, Total Recoverable, Copper, Total Recoverable, Zinc, Total Recoverable, Lead, Total Recoverable, and Nickel, Total Recoverable (effluent)." The calculated effluent limit shall be recorded on the DMR in the parameter row for "Cadmium, Total Recoverable, Copper, Total Recoverable, Zinc, Total Recoverable, Lead, Total Recoverable, and Nickel, Total Recoverable (calculated limit)." Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Cadmium, Total Recoverable, Copper, Total Recoverable, Zinc, Total Recoverable, Lead, Total Recoverable, and Nickel, Total Recoverable (effluent minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(15), 62-302.530(23), 62-302.530(70), 62-302.530(39), and 62-302.530(44)]

7. The temperature at the edge of the mixing zone shall not exceed the limitations of Rule 62-302.520(4)(a), F.A.C. The mixing zone shall be a 380-foot radius semicircle centered at the point of entry into the unnamed reclaimed lake. The above-mentioned mixing zone boundary limit is defined based on ΔT (the calculated difference between the effluent daily average and the ambient daily average water temperature) not to exceed 4.7°F.

Within six months of the effective date of this permit renewal, the permittee shall schedule a meeting with the Department to discuss the contents of a mixing zone(s) re-evaluation plan for all mixing zones above. The plan shall be submitted to the Department within 12 months of the effective date of this permit revision and shall be

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implemented within 24 months subsequent to approval by the Department. The results of the study shall be submitted no later than September 14, 2018.

8. The daily minimum concentration for dissolved oxygen shall not be less than 5.0 mg/L. The time and depth for sampling dissolved oxygen shall be specified and recorded. Dissolved oxygen monitoring shall occur after sunrise and before 12:00 p.m., whenever possible.
9. During plant operation, necessary measures shall be used to settle, filter, treat or absorb silt containing or pollutant-laden storm water runoff to limit the suspended solids to 50.0 mg/L or less at Outfalls D-001 and D-002 during rainfall periods less than the 25-year, 24-hour rainfall event. As a minimum, control measures shall include filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt and sediment-laden runoff.
10. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-001.
 - a. Effluent Limitation
 - (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. *[Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]*
 - (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. *[Rule 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]*
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
 - (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 7.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 7.a.(1) above.
 - (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-013, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
 - c. Sampling Requirements
 - (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-013, Section 8.
 - (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) Samples for routine and additional follow-up tests shall not be collected on the same day.
 - d. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: **100%, 50%, 25%, 12.5%, and 6.25%** final effluent.
 - (2) The permittee shall conduct a daphnid, **Ceriodaphnia dubia**, Survival and Reproduction Test and a fathead minnow, **Pimephales promelas**, Larval Survival and Growth Test, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with **Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms**, 4th Edition, EPA-821-R-02-013. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the

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above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.

- (4) The control water and dilution water shall be moderately hard water as described in EPA-821-R-02-013, Section 7.2.3.
- e. Quality Assurance Requirements
 - (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-013, Section 13.12 (**Ceriodaphnia dubia**) and Section 11.11 (**Pimephales promelas**). The repeat test shall begin within 21 days after the last day of the invalid test.
 - (3) If 100% mortality occurs in all effluent concentrations for either test species prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
 - (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-013, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.
- f. Reporting Requirements
 - (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.
 - (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-013, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
 - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-013, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.
 - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
 - (5) The same bioassay data shall not be reported as the results of more than one test.
 - (6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
Tallahassee Office
2600 Blair Stone Road, M.S. 3545
Tallahassee, Florida 32399-2400
- g. Test Failures
 - (1) A test fails when the test results do not meet the limits in 7.a.(1).
 - (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the chronic toxicity limitation in 7.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 7.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
 - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5%, and 6.25% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such

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that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be analyzed according to the procedures in EPA-821-R-02-013.

- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
- (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
- (b) The Department shall review and approve the plan before initiation.
- (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
- (d) Progress reports shall be submitted quarterly to the Department at the address above.
- (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 7.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 7.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-013, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
- (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 7.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 7.(a)(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
- (5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity failures.

[62-4.241, 62-620.620(3)]

11. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge stormwater runoff associated with industrial activity from **Outfall D-002, STORMWATER RUNOFF**. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Weekly	Calculated	FLW-4	
BOD, Carbonaceous 5 day, 20C	mg/L	Max Max	Report 12.0	Daily Maximum Monthly Average	Weekly	Grab	EFF-2	
Solids, Total Suspended	mg/L	Max Max	50.0 Report	Daily Maximum Monthly Average	Weekly	Grab	EFF-2	
Oil and Grease	mg/L	Max Max	5.0 Report	Daily Maximum Monthly Average	Weekly	Grab	EFF-2	
pH	s.u.	Min Max	8.5 6.5	Daily Maximum Daily Minimum	Weekly	Grab	EFF-2	

12. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.11. and as described below:

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Monitoring Site Number	Description of Monitoring Site
FLW-4	Flow measured at the three discharge culverts using bubbler water level sensors. Sensors connected to a data logger in central laboratory for integrated daily average flow calculations.
EFF-2	The nearest accessible point after treatment, but prior to entering the receiving water body.

- The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
- The discharge shall not cause a visible sheen on the receiving water.

B. Internal Outfalls

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge reverse osmosis reject water, boiler blowdown, and lab waste from **Internal Outfall I-003, LOW VOLUME WASTE**, to the cooling reservoir. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Calculated	FLW-2	

- Effluent 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-2	Flow measured continuously at overflow weir using an ultrasonic depth sensor.

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge oily water waste effluent, slag pile leachate, treated stormwater from the RTI containment area and metal cleaning wastewater (MCW) from **Internal Outfall I-004, EQUALIZATION BASIN WASTEWATER**, to the cooling reservoir. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Calculated	FLW-3	
Copper, Total Recoverable	mg/L	Max Max	1.0 1.0	Daily Maximum Monthly Average	Per occurrence ⁶	Grab	OUI-2	
Iron, Total Recoverable	mg/L	Max Max	1.0 1.0	Daily Maximum Monthly Average	Per occurrence ⁶	Grab	OUI-2	

⁶ Monitoring for Total Recoverable Iron and Copper are only applicable when discharging metal cleaning wastes (MCW) through Internal Outfall I-004. Samples shall be taken prior to treatment.

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4. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.3. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-3	Overflow to sump; sump level controls sump pump operation. Pump time and flow rate used to calculate daily flows.
OUI-2	Downstream of the oil/water separator.

5. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge treated reclaimed water from **Internal Outfall I-007, TREATED RECLAIMED WATER** to the cooling reservoir. During limited periods of startup, shutdown, testing, or malfunction of the reclaimed water pretreatment system, the permittee is also authorized to discharge reclaimed water directly from the wetlands treatment system to the cooling reservoir when treatment from the pretreatment system is unavailable. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Recorder	FLW-5, FLW-6	
Nitrogen, Total	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-3	
Phosphorus, Total (as P)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-3	

6. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.5. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-5	Flow measured at the intake to the reclaimed water pretreatment system.
FLW-6	Flow measured at the discharge from the reclaimed water pretreatment system.
OUI-3	The nearest accessible point after final treatment, but prior to entering the cooling reservoir.

7. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge cooling tower blowdown from **Internal Outfall I-008, COOLING TOWER BLOWDOWN** to the cooling reservoir. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Recorder	FLW-7	
Nitrogen, Total	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-4	
Phosphorus, Total (as P)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-4	
Oxidants, Total Residual	mg/L	Max Max	0.5 0.2	Daily Maximum Monthly Average	Weekly	Multiple Grabs or Meter	OUI-4	See I.B.10

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Specific Conductance	umhos /cm	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-4	

8. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.7. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-7	Flow measured at the outfall to the cooling reservoir.
OUI-4	The nearest accessible point prior to entering the cooling reservoir.

9. The permittee shall, within 6 months of start-up and yearly thereafter, provide certification that the 126 priority pollutants (as listed in 40 CFR Part 423, Appendix A) are below the method detection limits (MDL) for the applicable analytical methods required under Permit Condition I.C.1 in the cooling tower blowdown as a result of the addition of any maintenance chemicals once the cooling tower is operational. Compliance shall be demonstrated by one of the three methods:

Method 1: Sampling at a frequency of not less than once per year for all priority pollutants referenced above with submission of analysis results with each certification.

Method 2: Submission of certification(s) from the manufacturer that each product used contains no priority pollutants. Such submission is required only once for each product used, unless subsequent changes in the product formulation occur or the product is obtained from a different source. Certifications for all products in use shall be maintained on site.

Method 3: Calculations to assure that if priority pollutants are contained in any product(s), no discharge of any individual priority pollutant can occur at concentrations greater than detectable levels using analytical methods in 40 CFR Part 136 due to dilution within the cooling water system.

The certification shall be in the following form: "I certify that no priority pollutants at concentrations greater than detectable levels using analytical methods in 40 CFR Part 136 are being discharged from any maintenance chemicals added to the cooling towers. Compliance is demonstrated by Method ____."

10. Multiple grabs for TRO shall be defined as once per five minutes during TRO discharge periods of 30 minutes or less and once per 15 minutes for periods exceeding 30 minutes with no less than four analyses during the sampling event.
11. The facility is authorized continuous chlorination of the cooling tower system. [40 CFR 423.15(j)(2)]
12. The permittee is authorized to discharge from **Internal Outfall I-005 - RTI Treated Condensate**, and **Internal Outfall I-006 - On-site Reclaimed Water Treatment System Stormwater** to the cooling reservoir. Sampling and monitoring of these outfalls is not required.
13. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge low volume waste and equalization basin wastewater from **Internal Outfall I-009, DIVERSION BOX WASTEWATER**, to the cooling reservoir. Such discharge shall be limited and monitored by the permittee as specified below:

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Solids, Total Suspended	mg/L	Max Max	100.0 30.0	Daily Maximum Monthly Average	Monthly	Grab	OUI-5	
Oil and Grease	mg/L	Max Max	20.0 15.0	Daily Maximum Monthly Average	Monthly	Grab	OUI-5	
Selenium, Total Recoverable	ug/L	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Grab	OUI-5	

14. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.13. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-5	Upstream of the overflow weir at the concrete diversion box.

C. Other Limitations and Monitoring and Reporting Requirements

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

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

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

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]

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3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) 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. Unless specified otherwise in this permit, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below. DMRs shall be submitted for each required monitoring period including periods of no discharge.

REPORT Type on DMR	Monitoring Period	Mail or Electronically Submit by
Monthly	first day of month - last day of month	28 th day of following month
Quarterly	January 1 - March 31	April 28
	April 1 - June 30	July 28
	July 1 - September 30	October 28
	October 1 - December 31	January 28
Semiannual	January 1 - June 30	July 28
	July 1 - December 30	January 28
Annual	January 1 - December 31	January 28

The permittee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

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

If submitting electronic DMR forms, the permittee shall use the electronic DMR system(s) approved in writing by the Department and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. [62-620.610(18)]

4. 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 Southwest District office at the address specified below:

Florida Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637

Phone Number - (813) 632-7600
FAX Number - (813) 632-7665 (All FAX copies and e-mails shall be followed by original copies.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. The permittee shall report all visible discharges of floating materials, such as ash or oil sheen, to the Department when submitting DMRs. Field data sheets shall have appropriate blank(s) to report observations.

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8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. *[40 CFR Part 423.12(b)(2)]*
9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to lakes, rivers, or other waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

A permit revision from the Department shall be required prior to the use of any biocide or chemical additive used in the cooling system or any other portion of the treatment system which may be toxic to aquatic life. The permit revision request shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

10. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit.
11. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner which produces uncontrolled runoff.
12. Unless otherwise specifically permitted in this permit, there shall be no point source discharges of any wastes to waters of the State, or to any waste stream which enters such waters. The permittee shall operate and maintain loading and unloading facilities in such a manner in order to preclude spillage of coal, chemicals, etc., used at the facility, and shall take all actions necessary to clean-up and control any such spill which may occur.
13. Any water drained from the fuel oil storage tanks or other water which meets the definition of "Petroleum Contact Water" as defined in F.A.C. Rule 62-740.030(1) shall be disposed at a Department approved facility in accordance with F.A.C. Chapter 62-740.
14. The permittee is authorized to discharge storm water from the diked petroleum storage or handling areas, provided the following conditions are met:
 - a. The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) plan pursuant to 40 CFR Part 112.
 - b. In draining the diked area, an oil/water separator shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
 - c. Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum.

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- (1) date and time of discharge;
 - (2) Estimated volume of discharge;
 - (3) Initials of the person making visual inspection and authorizing discharge; and
 - (4) Observed conditions of the storm water discharged.
 - d. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil sheen at any time.
15. The facility shall comply with the requirements of Chapter 62-610, F.A.C., for reuse of reclaimed water.
16. The permittee shall develop a Department-approved Plan of Study (POS) to monitor for chlorophyll a (chl a), total nitrogen (TN), and total phosphorus (TP) in the lake downstream of the point of discharge. The Permittee shall calculate the annual geometric mean concentrations and total mass loadings of chl a, TN, and TP using data collected for the monitoring period. The POS shall also include monitoring for floral and faunal components in the flowing waters downstream of the discharge. Based upon the results of the required sampling, or Department bioassessments of the lake, Little Payne Creek and Payne Creek, the permit may be reopened as necessary (in accordance with Part VII.F of the permit) to include biointegrity monitoring, reporting or limitations in accordance with FAC Rule 62-302.530(47)(a) and (b).
17. If the Total Nitrogen concentration at Outfall D-001 exceeds 2.93 mg/L twice in a six-month period, the permittee shall initiate a Level II Water Quality Based Effluent Limitation (WQBEL) Study for the discharge from Outfall D-001. The study shall be conducted in accordance with the requirements of Chapter 62-650, F.A.C. The permittee shall submit a draft plan of study to the Department within three (3) months of notification by the Department that a study is necessary, and shall modify the plan of study as necessary to obtain Department approval. The final plan of study shall include a schedule for the submittal of:
- a. an Intensive Survey document summarizing all data collected;
 - b. a WQBEL document summarizing all modeling conducted and proposed effluent limitations. The draft Intensive Survey document shall be provided within one year of the original plan of study submittal and the draft WQBEL document shall be provided within one and a half years of the original plan of study submittal.
18. On outfalls where pH is monitored continuously, the permittee shall maintain the pH of such wastewater within the range specified in this permit. Excursions from the range are permitted subject to the following limitations:
- a. The total time during which pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in a calendar month.
 - b. No individual excursion from the range of pH values shall exceed 60 minutes.
 - c. The permittee shall report each month for each monitoring station where pH is monitored continuously the following:
 - (1) the number of pH excursions;
 - (2) the duration of each excursion;
 - (3) the date of each excursion; and
 - (4) the total time of all excursions combined.
 - d. An excursion is an unintentional and temporary incident in which the pH value of wastewater exceeds the range specified in this permit.
19. The permittee is authorized to utilize the following water treatment chemicals and biocides, or their chemical equivalents:

Chemical Name	Purpose	Dosage Rate
Sodium Hypochlorite	Cooling Reservoir - Biocide	Approximately 830 Gal/Day - Daily
Aqua Ammonia Solution	Unit 1 HRSG - pH Control	As Needed
AS-9530	Unit 1 HRSG - Corrosion Inhibitor	Approximately 125,000 Lb/Yr - Intermittent

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Chemical Name	Purpose	Dosage Rate
Sulfuric Acid	Cooling Reservoir - pH Control	As Needed

Subsequent permit revisions are not necessary for use of chemicals equivalent to those authorized if the alternative chemicals consist of the same constituents, at the same concentrations and are dosed at the permitted rate. The permittee is responsible for maintaining documentation on-site which demonstrates equivalency of any new water treatment products from another vendor or manufacturer with a different product name from those listed above.

II. SLUDGE MANAGEMENT REQUIREMENTS

1. Management of sludges generated by the treatment of industrial wastewater at this facility is disposal at a Class I solid waste landfill.
2. The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its sludges. [62-620.320(6)]
3. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
4. The permittee shall keep records of the amount of sludge disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
 - a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. name and location of the site of disposal, treatment or incineration;
 - c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. GROUND WATER REQUIREMENTS

Groundwater monitoring requirements for this facility are covered under the Power Plant Siting Act (PPSA) through Conditions of Certification PA 92-32.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

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

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- d. A copy of the current permit;
- e. A copy of any required record drawings; and
- f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Best Management Practices/Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. BMP3 Progress/Update Reports	Issuance date of permit plus 1 year, and continuing annually
2. Continue implementing the existing BMP3 Plan	Issuance date of permit

[62-620.320(6)]

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

[62-620.335(1)-(4)]

3. The permittee shall submit DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities, upon completion of construction for the RTI, reclaimed water, and combined cycle projects.
4. The permittee shall submit DEP Form 62-620.910(13), Notification of Availability of Record Drawings and Final Operation and Maintenance Manuals, upon completion of construction for the RTI, reclaimed water, and combined cycle projects.
5. The permittee shall submit DEP Form 62-620.910(15), Reclaimed Water or Effluent Analysis Report, within 90 days upon commencement of operation of the reclaimed water pretreatment system.
6. As soon as available the permittee shall submit latitude and longitude coordinates for the new outfalls and provide monitoring site descriptions where applicable.
7. The facility shall provide an effluent characterization (Form 2-CS, Part VII) for Outfall D-001 within 6 months of the cooling reservoir commencing to receive reclaimed water from the reclaimed water pretreatment system.
8. The facility shall submit a Plan of Study within 180 days of the final issuance of the permit to comply with the requirements of Condition I.C.16. The permit or Bioassessment Plan of Study may be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345, F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contain different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Control any pollutant not addressed in the permit.

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- c. The standard or limitation has been duly adopted by the Department. The permit as revised or reissued under this paragraph shall also contain any other requirements of the Act then applicable.
9. The facility shall provide information to the Department as soon as available on the reclaimed water tie-ins from the Mulberry and Polk treatment facilities. The submittal shall include a narrative description of the project(s), and characterizations of the waste streams to determine if these projects would require a revision to the permit.
10. Within 90 days of permit issuance the facility shall provide the concentrations and annual and daily mass loading for total nitrogen and total phosphorus from groundwater make-up to the cooling reservoir.
11. At least 45 days prior to start-up of the mechanical draft cooling tower serving converted Units 2-5, the permittee shall submit for approval a preliminary list of products anticipated to be applied in the cooling tower along with the information listed in permit condition I.C.9.

VII. BEST MANAGEMENT PRACTICES/STORMWATER POLLUTION PREVENTION PLANS

1. General Conditions

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

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (9) "BMP3" means a Best Management Practices Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are

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deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.

- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. Best Management Practices/Pollution Prevention Plan

The permittee shall develop and implement a BMP3 plan for the facility, which is the source of wastewater and storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

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

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. BMP3 Plan Requirements

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
- (5) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct A waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 of this permit.

If the permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 – Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

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A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training should also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the WMA which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.
- (3) A timetable for the various plan requirements follows:

Timetable for BMP3 Plan Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Progress/Update Reports	3 years, and then annually thereafter

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

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

VIII. OTHER SPECIFIC CONDITIONS

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A. Specific Conditions Applicable to All Permits

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

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

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

[62-620.625(1)]

C. Impoundment Design, Construction, Operation, and Maintenance

1. All impoundments used to hold or treat wastewater and other associated wastes shall be operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit.
2. Operation and maintenance of any impoundment shall be in accordance with all applicable State regulations. When practicable, piezometers or other instrumentation shall be used as a means to aid monitoring of impoundment integrity.

D. Impoundment Integrity Inspections

1. Within 60 days of permit issuance, and annually thereafter, all impoundments shall be inspected by qualified personnel with knowledge and training in impoundment integrity. Annual inspections shall include observations of dike and toe areas for erosion, cracks or bulges, seepage, wet or soft soil, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as

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overly lush, dead or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity.

2. Within 30 days after the annual inspection, a qualified, professional engineer shall certify to the Department that no breaches or structural defects resulting in the discharges to surface waters of the State and that no changes were observed which may indicate a potential compromise to impoundment integrity during the previous calendar year.

The certification shall also include a statement that the cooling pond provides the necessary minimum wet weather detention volume to contain the combined volume for all direct rainfall and all rainfall runoff to the cooling pond resulting from the 10-year, 24-hour rainfall event and maximum dry weather plant waste flows which could occur during a 24-hour period.

3. The permittee shall conduct follow-up inspections within 7 days after large or extended rain events (i.e., 25-year, 24-hour precipitation event) unless access to the impoundment is unsafe due to the weather event.
4. In the event that a critical condition in the impoundment, such as the conditions listed below, is suspected that may result in a potential discharge to surface waters of the State, the permittee shall notify the Department within twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule within fifteen (15) days from the time existence of the critical condition is confirmed and the Department was notified.

Critical conditions include observed changes such as concentrated seepage on the downstream of the slope, at the top of the slope, or downstream from the toe of the slope, evidence of slope instability including sloughing, bulging, or heaving of the downstream slope, or subsidence of the impoundment slope or crest, cracking of surface on the crest or either face of the impoundment, or general or concentrated seepage in the vicinity of or around any conduit through the impoundment may be signs imminent impoundment failure and should be addressed immediately.

E. Reporting and Recordkeeping Requirements for Impoundments

1. The summarized findings of all monitoring activities, inspections, and corrective actions pertaining to the impoundment integrity, and operation and maintenance of all impoundments shall be documented and kept on-site in accordance with permit Condition V.2, and made available to Department inspectors upon request.
2. Starting with the issuance of this permit, all pertinent impoundment permits, design, construction, operation, and maintenance information, including but not limited to: plans, geotechnical and structural integrity studies, copies of permits, associated certifications by qualified, Florida-registered professional engineer, and regulatory approvals, shall be kept on site in accordance with permit Condition V.2 and made available to Department inspectors upon request.

F. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (**October, 1, 2018**) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or
 - b. the permittee has made complete the application for renewal of this permit before the permit expiration date.
2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either

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- a. Within thirty days after the permittee has received a notice; or
- b. Within thirty days after final agency action.

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

G. Reopener Clauses

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

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

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation, monitoring requirement, or more stringent requirements or any applicable standards pertaining to the operation and maintenance of coal combustion waste impoundments.
3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.
4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

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(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3)]*
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)]*

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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 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)]*

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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 any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.[62-620.610(18)]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]

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20. The permittee shall report to the Department's Southwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Southwest 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 Southwest District Office shall waive the written report.

[62-620.610(20)]

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

22. Bypass Provisions.

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

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

- (3) The permittee submitted notices as required under Permit Condition IX.22.c. of this permit.
- c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX.22.b.(1) through (3) of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX.22.b. through d. of this permit.

[62-620.610(22)]

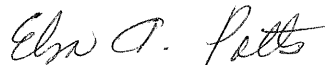
23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
- (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
- (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
- (4) The permittee complied with any remedial measures required under Permit Condition IX.5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management

Attachment(s):
Discharge Monitoring Report

2nd AMENDMENT TO THE FACT SHEET
AT THE TIME OF PROPOSED PERMIT ISSUANCE

DATE: October 17, 2013

PERMIT NUMBER: FL0043869

PERMITTEE: Tampa Electric Company (TEC)
Polk Power Station

1. Comments by the Permittee Requesting Changes to the Proposed Permit and Fact Sheet

The Permittee requested the following changes to the proposed permit in an e-mail correspondence to the Department dated October 25th, 2013. Minor typographical errors, additions, or changes to the proposed permit are not itemized in this second amendment to the Fact Sheet which did not substantially change any permit conditions or requirements.

PERMIT:

- a. Permit Condition I.B.4. Monitoring site description for outfall OUI-2 changed from “The nearest accessible point prior to treatment” to “Downstream of the oil/water separator”.
- b. Permit Condition I.B.7. Frequency of analysis for TRO changed from “per application” to “weekly”.
- c. Permit Condition I.B.9. First sentence revised from “30 days of permit issuance” to “6 months of start-up”.
- d. Permit Condition I.B.10. “Period of TRO discharge (sampling shall be continued until the end of the TRO discharge)” revised to “sampling event”.
- e. Permit Condition I.C.14.b. Language “a portable oil skimmer or similar device or absorbent material” was revised to “an oil/water separator”.
- f. Permit condition I.C.19. Revised to include language that allows for the use of chemical equivalents provided the facility can demonstrate equivalency. Demonstrated equivalency would preclude the facility from acquiring a revision to the permit. The word “approximately” was added to dosage rates for Sodium Hypochlorite and AS-9530.
- g. Permit Condition VIII.D.1. “No later than **Month, Day, Year**” revised to “Within 60 days of permit issuance”.
- h. Permit Condition VIII.D.2. “Responsible officer” revised to “professional engineer”.
- i. Permit Condition VIII.D.3. Revised to include “unless access to the impoundment is unsafe due to the weather event”.
- j. Permit Condition VIII.E.1 & 2. Reference to permit condition V.3 revised to V.2.

FACT SHEET:

Changes as described above to the permit are hereby noted as corresponding changes to the Fact Sheet where applicable.

2. Comments by USEPA Region IV Requesting Changes to the Proposed Permit and Fact Sheet

No comments were received from the EPA.

3. Other Comments

No comments were received from the public or from other governmental agencies.

aDEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Tampa Electric Polk Power Station
LOCATION: State Road 37 & County Road 630
Mulberry, FL 33860

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESCRIPTION: Cooling Reservoir Blowdown

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement									
PARM Code 50050 1 Mon. Site No. FLW-1	Permit Requirement	Report (Mo.Avg.)	8.0 (Day.Max.)	MGD					Continuous	Recorder or Calculation
Temperature (F), Water (MAY - OCT)	Sample Measurement									
PARM Code 00011 1 Mon. Site No. EFF-1	Permit Requirement				92.0 (Mo.Avg.)	Report ¹ (Day.Max.)	Deg F		Continuous	Recorder
Temperature (F), Water (NOV - APR)	Sample Measurement									
PARM Code 00011 Q Mon. Site No. EFF-1	Permit Requirement				88.7 (Mo.Avg.)	Report ¹ (Day.Max.)	Deg F		Continuous	Recorder
Temperature (F), Water (Ambient)	Sample Measurement									
PARM Code 00011 S Mon. Site No. SWA-1	Permit Requirement					Report ¹ (Mo.Avg.)	Deg F		Continuous	Recorder
Temp. Diff. between Sample and Upstrm Deg. F	Sample Measurement									
PARM Code 00018 1 Mon. Site No. EFF-1	Permit Requirement				4.7 (Day.Avg.)	Report (Day.Max.)	Deg F		Continuous	Calculated
pH	Sample Measurement									
PARM Code 00400 1 Mon. Site No. EFF-1	Permit Requirement				6.0 (Day.Min.)	8.5 (Day.Max.)	s.u.		Recorder	Grab

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 (mm/dd/yyyy)

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

¹ See Permit Condition I.A.7.

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Polk Power Station

MONITORING GROUP

D-001

PERMIT NUMBER: FL0043869-011-IW1S

NUMBER:

MONITORING PERIOD

From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Length of Longest pH Excursion	Sample Measurement										
PARM Code 72107 1 Mon. Site No. EFF-1	Permit Requirement	60 (Max.)	446 (Mo.Total)	min						Continuous	Recorder
pH	Sample Measurement										
PARM Code 00400 Q Mon. Site No. EFF-1	Permit Requirement					Report ² (Day.Max.)		s.u.		Per occurrence	Grab
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)		mg/L		Monthly	Grab
Temperature (C), Water	Sample Measurement										
PARM Code 00010 1 Mon. Site No. EFF-1	Permit Requirement				Report ³ (Mo.Avg.)	Report ³ (Day.Max.)		Deg C		Monthly	Grab
Nitrogen, Ammonia, Total (as N)	Sample Measurement										
PARM Code 00610 1 Mon. Site No. EFF-1	Permit Requirement				0.58 (Mo.Avg.)	0.58 (Day.Max.)		mg/L		Monthly	Grab
Ammonia, Unionized (as NH ₃)	Sample Measurement										
PARM Code 00619 1 Mon. Site No. EFF-1	Permit Requirement				0.02 ³ (Mo.Avg.)	0.02 ³ (Day.Max.)		mg/L		Monthly	Calculated
Nitrogen, Nitrate, Total (as N)	Sample Measurement										
PARM Code 00620 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)		mg/L		Monthly	Grab
Nitrogen, Nitrite, Total (as N)	Sample Measurement										
PARM Code 00615 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)		mg/L		Monthly	Grab
Nitrogen, Kjeldahl, Total (as N)	Sample Measurement										
PARM Code 00625 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)		mg/L		Monthly	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-1	Permit Requirement				2.93 ⁴ (Mo.Avg.)	2.93 ⁴ (Day.Max.)		mg/L		Monthly	Grab

² See Permit Condition I.A.4 and I.A.5.³ See Permit Condition I.A.4.⁴ See Permit Condition I.C.17.

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Polk Power Station

MONITORING GROUP D-001

PERMIT NUMBER: FL0043869-011-IW1S

NUMBER:

MONITORING PERIOD

From:

To:

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Oxygen, Dissolved (DO)	Sample Measurement										
PARM Code 00300 1 Mon. Site No. EFF-1	Permit Requirement				5.0 ⁵ (Day.Min.)			mg/L		2 Days/Week	Grab
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-1	Permit Requirement				5.0 (Mo.Avg.)	5.0 (Day.Max.)		mg/L		Monthly	Grab
Sulfate, Total	Sample Measurement										
PARM Code 00945 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)		mg/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-1	Permit Requirement				30.0 ⁶ (Mo.Avg.)	100.0 (Day.Max.)		mg/L		Monthly	Grab
Chlorine, Total Residual	Sample Measurement										
PARM Code 50060 1 Mon. Site No. EFF-1	Permit Requirement				0.01 (Mo.Avg.)	0.01 (Day.Max.)		mg/L		Monthly	Grab
Selenium, Total Recoverable	Sample Measurement										
PARM Code 00981 1 Mon. Site No. EFF-1	Permit Requirement				5.0 (Mo.Avg.)	5.0 (Day.Max.)		ug/L		Monthly	Grab
Alpha, Gross Particle Activity	Sample Measurement										
PARM Code 80045 1 Mon. Site No. EFF-1	Permit Requirement				15.0 (Mo.Avg.)	15.0 (Day.Max.)		pCi/L		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 Y Mon. Site No. EFF-1	Permit Requirement				6.0 ⁷ (An.Avg.)			mg/L		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 1 Mon. Site No. EFF-1	Permit Requirement				6.0 (Mo.Avg.)	8.5 (Day.Max.)		mg/L		Monthly	Grab

⁵ See Permit Condition I.A.8.⁶ Average of daily values for 30 consecutive days.⁷ Annual average means the maximum concentration at average annual flow conditions measured and represented as a 12-month rolling average.

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Polk Power Station

MONITORING GROUP

D-001

PERMIT NUMBER: FL0043869-011-IW1S

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
7-DAY CHRONIC STATRE Ceriodaphnia dubia (Routine)	Sample Measurement										
PARM Code TRP3B P Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		Quarterly	24-hr TPC
7-DAY CHRONIC STATRE Ceriodaphnia dubia (Additional)	Sample Measurement										
PARM Code TRP3B Q Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Ceriodaphnia dubia (Additional)	Sample Measurement										
PARM Code TRP3B R Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Pimephales promelas (Routine)	Sample Measurement										
PARM Code TRP6C P Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		Quarterly	24-hr TPC
7-DAY CHRONIC STATRE Pimephales promelas (Additional)	Sample Measurement										
PARM Code TRP6C Q Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Pimephales promelas (Additional)	Sample Measurement										
PARM Code TRP6C R Mon. Site No. EFF-1	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit

*ENTER "MNR" IN THE RESULTS COLUMN FOR EACH TEST THAT IS NOT REQUIRED.

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESCRIPTION: Cooling Reservoir Blowdown

REPORT FREQUENCY: Semi-annually
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Antimony, Total Recoverable	Sample Measurement									
PARM Code 01268 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	4.30 (Day.Max.)	mg/L		Semi-Annually; twice per year	Grab
Arsenic, Total Recoverable	Sample Measurement									
PARM Code 00978 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	50 (Day.Max.)	ug/L		Semi-Annually; twice per year	Grab
Beryllium, Total Recoverable	Sample Measurement									
PARM Code 00998 Y Mon. Site No. EFF-1	Permit Requirement				0.13 ⁸ (An.Avg.)		ug/L		Semi-Annually; twice per year	Grab
Beryllium, Total Recoverable	Sample Measurement									
PARM Code 00998 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)	ug/L		Semi-Annually; twice per year	Grab
Cadmium, Total Recoverable (effluent)	Sample Measurement									
PARM Code 01113 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	ug/L		Semi-Annually; twice per year	Grab
Cadmium, Total Recoverable (calculated limit)	Sample Measurement									
PARM Code 01113 Q Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L		Semi-Annually; twice per year	Calculated
Cadmium, Total Recoverable (effluent minus calculated limit)	Sample Measurement									
PARM Code 01113 R Mon. Site No. EFF-1	Permit Requirement					0.0 (Max.)	ug/L		Semi-Annually; twice per year	Calculated

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 (mm/dd/yyyy)

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

⁸ Annual average means the maximum concentration at average annual flow conditions measured and represented as a 12-month rolling average.

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Polk Power Station

MONITORING GROUP
NUMBER:
MONITORING PERIOD

D-001

PERMIT NUMBER: FL0043869-011-IW1S

From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Hardness, Total (as CaCO ₃)	Sample Measurement										
PARM Code 00900 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	mg/L			Semi-Annually; twice per year	Grab
Copper, Total Recoverable (effluent)	Sample Measurement										
PARM Code 01119 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	ug/L			Semi-Annually; twice per year	Grab
Copper, Total Recoverable (calculated limit)	Sample Measurement										
PARM Code 01119 Q Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Copper, Total Recoverable (effluent minus calculated limit)	Sample Measurement										
PARM Code 01119 R Mon. Site No. EFF-1	Permit Requirement					0.0 (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Zinc, Total Recoverable (effluent)	Sample Measurement										
PARM Code 01094 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	ug/L			Semi-Annually; twice per year	Grab
Zinc, Total Recoverable (calculated limit)	Sample Measurement										
PARM Code 01094 Q Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Zinc, Total Recoverable (effluent minus calculated limit)	Sample Measurement										
PARM Code 01094 R Mon. Site No. EFF-1	Permit Requirement					0.0 (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Lead, Total Recoverable (effluent)	Sample Measurement										
PARM Code 01114 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	ug/L			Semi-Annually; twice per year	Grab
Lead, Total Recoverable (calculated limit)	Sample Measurement										
PARM Code 01114 Q Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Lead, Total Recoverable (effluent minus calculated limit)	Sample Measurement										
PARM Code 01114 R Mon. Site No. EFF-1	Permit Requirement					0.0 (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Nickel, Total Recoverable (effluent)	Sample Measurement										
PARM Code 01074 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	Report (Max.)	ug/L			Semi-Annually; twice per year	Grab
Nickel, Total Recoverable (calculated limit)	Sample Measurement										
PARM Code 01074 Q Mon. Site No. EFF-1	Permit Requirement					Report (Max.)	ug/L			Semi-Annually; twice per year	Calculated

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: Polk Power Station

MONITORING GROUP D-001

PERMIT NUMBER: FL0043869-011-IW1S

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Nickel, Total Recoverable (effluent minus calculated limit)	Sample Measurement										
PARM Code 01074 R Mon. Site No. EFF-1	Permit Requirement					0.0 (Max.)	ug/L			Semi-Annually; twice per year	Calculated
Silver, Total Recoverable	Sample Measurement										
PARM Code 01079 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	0.07 (Day.Max.)	ug/L			Semi-Annually; twice per year	Grab
Thallium, Total Recoverable	Sample Measurement										
PARM Code 00982 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	6.3 (Day.Max.)	ug/L			Semi-Annually; twice per year	Grab
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	1.0 (Day.Max.)	mg/L			Semi-Annually; twice per year	Grab
Specific Conductance	Sample Measurement										
PARM Code 00095 1 Mon. Site No. EFF-1	Permit Requirement				Report (Mo.Avg.)	1275 (Day.Max.)	umhos/cm			Semi-Annually; twice per year	Grab

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT:
CLASS SIZE:
MONITORING GROUP NUMBER:
MONITORING GROUP DESCRIPTION:
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Final
MA
D-002
Stormwater runoff

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement									
PARM Code 50050 1 Mon. Site No. FLW-4	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD					Weekly	Calculated
BOD, Carbonaceous 5 day, 20C	Sample Measurement									
PARM Code 80082 1 Mon. Site No. EFF-2	Permit Requirement				12.0 (Mo.Avg.)	Report (Day.Max.)	mg/L		Weekly	Grab
Solids, Total Suspended	Sample Measurement									
PARM Code 00530 1 Mon. Site No. EFF-2	Permit Requirement				Report (Mo.Avg.)	50.0 (Day.Max.)	mg/L		Weekly	Grab
Oil and Grease	Sample Measurement									
PARM Code 00556 1 Mon. Site No. EFF-2	Permit Requirement				Report (Mo.Avg.)	5.0 (Day.Max.)	mg/L		Weekly	Grab
pH	Sample Measurement									
PARM Code 00400 1 Mon. Site No. EFF-2	Permit Requirement				6.5 (Day.Min.)	8.5 (Day.Max.)	s.u.		Weekly	Grab

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 (mm/dd/yyyy)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-003
MONITORING GROUP DESCRIPTION: Low Volume Wastes

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 P Mon. Site No. FLW-2	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Monthly	Calculated

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 (mm/dd/yyyy)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-004
MONITORING GROUP DESCRIPTION: Equalization Basin wastewater

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. FLW-3	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Monthly	Calculated
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 P Mon. Site No. OUI-2	Permit Requirement				1.0 (Mo.Avg.)	1.0 (Day.Max.)	mg/L			Per occurrence ⁹	Grab
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 P Mon. Site No. OUI-2	Permit Requirement				1.0 (Mo.Avg.)	1.0 (Day.Max.)	mg/L			Per occurrence ⁹	Grab

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 (mm/dd/yyyy)

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

⁹ When discharging metal cleaning wastes (MCW).

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-007
MONITORING GROUP DESCRIPTION: Treated Reclaimed Water

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. FLW-5	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Continuous	Recorder
Flow	Sample Measurement										
PARM Code 50050 P Mon. Site No. FLW-6	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Continuous	Recorder
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. OUI-3	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	MG/L		Monthly	Grab
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 1 Mon. Site No. OUI-3	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	MG/L		Monthly	Grab

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 (mm/dd/yyyy)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-008
MONITORING GROUP DESCRIPTION: Cooling Tower Blowdown

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement									
PARM Code 50050 1 Mon. Site No. FLW-7	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD					Continuous	Flow Totalizer
Nitrogen, Total	Sample Measurement									
PARM Code 00600 P Mon. Site No. OUI-4	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)	mg/L		Monthly	Grab
Phosphorus, Total (as P)	Sample Measurement									
PARM Code 00665 P Mon. Site No. OUI-4	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)	mg/L		Monthly	Grab
Oxidants, Total Residual	Sample Measurement									
PARM Code 34044 P Mon. Site No. OUI-4	Permit Requirement				0.2 (Mo.Avg.)	0.5 (Day.Max.)	mg/L		Weekly	Meter
Specific Conductance	Sample Measurement									
PARM Code 00095 P Mon. Site No. OUI-4	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)	umhos/cm		Monthly	Grab

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 (mm/dd/yyyy)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Tampa Electric Company
MAILING ADDRESS: P. O. Box 111
Tampa, Florida 33601

PERMIT NUMBER: FL0043869-011-IW1S

FACILITY: Polk Power Station
LOCATION: 9995 State Road 37 S
Mulberry, FL 33860-8489

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-009
MONITORING GROUP DESCRIPTION: Diversion Box Wastewater

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Polk
OFFICE: Southwest District

RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement									
PARM Code 00530 P Mon. Site No. OUI-5	Permit Requirement				30.0 (Mo.Avg.)	100.0 (Day.Max.)	mg/L		Monthly	Grab
Oil and Grease	Sample Measurement									
PARM Code 00556 P Mon. Site No. OUI-5	Permit Requirement				15.0 (Mo.Avg.)	20.0 (Day.Max.)	mg/L		Monthly	Grab
Selenium, Total Recoverable	Sample Measurement									
PARM Code 00981 P Mon. Site No. OUI-5	Permit Requirement				Report (Mo.Avg.)	Report (Day.Max.)	ug/L		Monthly	Grab

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 (mm/dd/yyyy)

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

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions 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:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

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.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.

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 LWWDD 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.



Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

December 6, 2012

Thomas L. Hernandez
Vice President - Energy Supply
Tampa Electric Company
702 North Franklin Street
Tampa, Florida 33602-0111
tlhernandez@tecoenergy.com

PA File No. 0281232-007-UC/1I (IW-1)
PA File No. 0281232-008-UC/1I (IW-2)
Class I Test Injection Wells IW-1 and IW-2
TECO Polk Power Station
Polk County

NOTICE OF PERMIT

Enclosed are PA File Nos. 0281232-007-UC/1I and 0281232-008-UC/1I to test two, Class I Test Injection Wells issued pursuant to Section 403.087(1), Florida Statutes. Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, 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 this Notice is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

UNDERGROUND INJECTION CONTROL PROGRAM

A handwritten signature in blue ink, appearing to read "Mauryn McDonald". The signature is written in a cursive, flowing style.

Mauryn McDonald, P.E.
Water Facilities Program Administrator
Southwest District

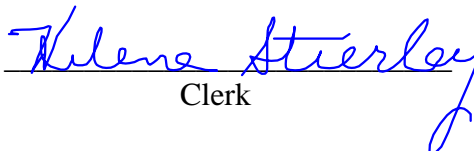
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this Notice of Permit and all copies were mailed before the close of business on December 6, 2012 to the persons listed below.

Clerk Stamp

FILING AND ACKNOWLEDGMENT

FILED on this date, pursuant to § 120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.


Clerk

12-6-12
Date

Copies Furnished To:

Joe Habermeld, FDEP Tallahassee, joe.habermeld@dep.state.fl.us
James Alexander, FDEP Tallahassee, james.alexander@dep.state.fl.us
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Florida Department of
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Temple Terrace, Florida 33637-0926

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

**STATE OF FLORIDA
UNDERGROUND INJECTION CONTROL
CLASS I WELL CONSTRUCTION PERMIT**

PERMITTEE

Thomas L. Hernandez
Vice President - Energy Supply
Tampa Electric Company
702 North Franklin Street
Tampa, Florida 33602-0111
tlhernandez@tecoenergy.com

PERMIT/CERTIFICATION

PA File Nos.: 0281232-007-UC/1I (IW-1)
0281232-008-UC/1I (IW-2)
Facility ID No: PA 92-32, FL0043869
WACS ID: 98664
Date of Issuance: December 6, 2012
Expiration Date: December 5, 2017
County: Polk
Project: Class I Injection Wells
IW-1 and IW-2
Permit Processor: Rommy Lahera, P.G.

FACILITY

TECO Polk Power Station
Highway 37
Brewster, Florida

PROJECT LOCATION

Section/Township/Range: Sec. 3/ T32S / R23E
Latitude: 27° 43' 28.70" N
Longitude: 82° 0' 27.98" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Rules 62-4, 62-520, and 62-528 of the Florida Administrative Code. The construction of a Class V, Group 9, exploratory well (IW-1) and dual zone monitor well (DZMW-1) has been completed per the conditions of Permit 0281232-001-UC/5X, issued June 20, 2008, and Major Permit Modifications 0281232-002-UC/MM and 0281232-003-UC/MM, issued on April 9, 2010 and December 30, 2010, respectively. A second Class V, Group 9 exploratory well (IW-2) and dual zone monitor well (DZMW-2) are permitted for construction per the conditions of Permit 0281232-004-UC/5X, issued on June 16, 2011, and a Minor Permit Modification 0281232-006-UC/MN, issued on September 22, 2011. The above-named permittee is hereby authorized to perform the work or operate the facility shown on the application and other documents attached hereto or on file with the Department and made a part hereof, specifically described as follows:

TO TEST: Two, Class I injection wells (IW-1 and IW-2) in order to obtain hydrologic and geologic information to determine the feasibility of the disposal of non-hazardous wastewater into a deep geologic formation. The wastewater consists of the Polk Power Station (PPS) concentrate from the reverse osmosis of municipal reclaimed water, with lesser amounts of the PPS greywater, weak acid, boiler blowdown, slag pond leachate, and evaporator condensate.

The injection zone encompasses the Lower Cedar Keys, Lawson Limestone, and other Cretaceous Period formations to a depth 8,000 feet below land surface (bls).

Injection Well IW-1 has been completed with a 52-inch diameter surface casing to 216 feet bls; a 42-inch diameter steel casing to 1,207 feet bls; a 28-inch diameter steel intermediate casing to 3,280 feet bls; an 18-inch diameter steel casing to 4,215 feet bls; a 10.75-inch diameter FRP tubing to 4,228 feet bls cemented to land surface; and a 12.75-inch diameter open borehole from 4,200 to 8,000 feet bls.

Injection Well IW-2 will be completed with a 54-inch diameter surface casing to 218 feet bls; a 44-inch diameter steel casing to $\pm 1,212$ feet bls; a 28-inch diameter steel intermediate casing to $\pm 3,300$ feet bls; an 18-inch diameter steel casing to $\pm 4,200$ feet bls; a 10.75-inch diameter FRP tubing to $\pm 4,200$ feet bls cemented to land surface; and a 12.75-inch diameter open borehole from $\pm 4,200$ to 8,000 feet bls.

IN ACCORDANCE WITH: The Applications to Construct DEP Form No. 62-528.900(1) submitted by the Tampa Electric Company (TECO) with sufficient fee on November 9, 2011 (0281232-007-UC/1I) and July 27, 2012 (0281232-008-UO/1I), with accompanying supporting documentation and additional information submitted through July 30, 2012.

TO SERVE: The Tampa Electric Company Polk Power Station

SUBJECT TO: Specific Conditions 1 through 11

SPECIFIC CONDITIONS:

1. General Requirements

- a. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action. Any changes in the plans and/or technical specifications, except as provided elsewhere in this permit, must be approved by the Department before being implemented. Changes of negligible impact to the environment and staff time will be reviewed by the program manager, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and appropriate fee per Rule 62-4.050, F.A.C.
- b. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; 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.

- c. In the event that the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify the Department within 24 hours of noncompliance by e-mail or telephone with the following information:
 - 1) A description of and cause of noncompliance; and
 - 2) The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- d. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
- e. No underground injection is allowed that causes or allows movement of fluid into an underground source of drinking water.
- f. The permittee is reminded of the necessity to comply with the pertinent regulations of any other regulatory agency, as well as any county, municipal, and federal regulations applicable to the project. This permit should not be construed to imply compliance with the rules and regulations of other regulatory agencies.
- g. Hurricane Preparedness - Upon the issuance of a "Hurricane Watch" by the National Weather Service, the preparations to be made include, but are not necessarily limited to, the following:
 - 1) Secure all on-site salt and other stockpiled additive materials to prevent surface and/or ground water contamination.
 - 2) Properly secure drilling equipment and rig(s) to prevent damage to well(s) and on-site treatment process equipment.

2. Quality Assurance/Quality Control Requirements

- a. Pursuant to Rule 62-528.440(5)(b), F.A.C., a Florida Licensed Professional Engineer shall be retained throughout the construction period to certify all documents related to the construction and completion of the injection well system. The Department shall be notified immediately of any change of engineer.

- b. In accordance with Section 492, Florida Statutes, all documents prepared for the geological/hydrogeological evaluation of the injection well system shall be signed and sealed by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer.
- c. All water quality samples required by this permit shall be collected in accordance with the appropriate Department Standard Operation Procedures (SOPs), pursuant to Chapter 62-160, Quality Assurance, Part II, Field Procedures, F.A.C. A certified laboratory shall conduct the analytical work, as provided by Chapter 62-160, Quality Assurance, Part III, Laboratory Certification and Procedures, F.A.C. Department approved test methods shall be utilized, unless otherwise stated in this permit. All calibration procedures for field testing and laboratory equipment shall follow manufacturer's instrumentation manuals and satisfy the requirements of the Department SOPs. A listing of the SOPs pertaining to field and laboratory activities is available at the FDEP website at: <http://www.dep.state.fl.us/water/sas/sop/sops.htm>

3. Construction and Testing Requirements

- a. Any construction, modification, repair, or abandonment of a well shall be performed by a Florida licensed water well contractor, licensed under Chapter 62-532, F.A.C., to engage in the business of construction, modification, repair or abandonment of a well. Prior to the commencement of any work, the name of the Florida-licensed driller(s) supervising the drilling operations and the driller's registration number shall be submitted to the Department. The permittee or the engineer of record shall provide the Department with copies of all required federal, state or local permits prior to spudding the wells.
- b. Continuous on-site supervision by qualified personnel (engineer and/or geologist, as applicable) is required during all testing and geophysical logging operations.
- c. If any problem develops that may seriously hinder compliance with this permit, construction progress, or good construction practice, the Department shall be notified immediately. The Department may require a detailed written report describing what problems have occurred, the remedial measures applied to assure compliance, and the measures taken to prevent recurrence of the problem.
- d. Mechanical Integrity Testing.
 - 1) Mechanical integrity of the injection well will be determined pursuant to F.A.C. Rules 62-528.300(6)(b)2. and (c) and Rule 62-528.425(1)(d). The pressure test for the 18-inch steel casing and 10.75-inch FRP tubing will be accepted if the cemented tubing is tested at 1.5 times the expected operating pressure with no more than a 5% change in pressure. Verification of pressure gauge calibration must be provided at the

- scheduled test and with the test report. Test pressure gauges shall be calibrated within 6 months prior to testing.
- 2) The Department shall be notified 72 hours prior to all testing for mechanical integrity of the injection well.
 - 3) All testing for mechanical integrity shall be initiated during daylight hours, Monday through Friday.
 - 4) To demonstrate internal mechanical integrity of the injection well, an additional (interim) pressure test shall be run and completed midway between the standard 5-year full mechanical integrity tests. This interim test shall be completed 2.5 years after the pressure test of the cemented 10.75-inch FRP tubing (section 1) above. A plan describing the interim test procedures shall be submitted to the Department's Southwest District and Tallahassee offices for approval at least 90 days prior to the interim pressure test date, and the final report for the demonstration of internal mechanical integrity shall be submitted within three months of the completion date for the interim pressure test.
- e. Test Injection Well System Construction Details:

IW-1 Construction Details:

O.D. Inches / Type	Depth ft (bls)	Aquifer
52" / Steel	216'	Surficial and Upper Floridan
42" / Steel	1,207'	Upper Floridan
28" / Steel	3,280'	Mid-Confining Layer & Lower Floridan
18" / Steel	4,215'	Lower Confining Layer & Cedar Keys Fm
10.75" / Fiberglass	4,228'	Lower Confining Layer & Cedar Keys Fm
12.75" Open Hole	8,000'	Lower Cedar Keys, Lawson Limestone, and other Cretaceous Fms

Monitor Well DZMW-1:

O.D. Inches / Type	Depth ft (bls)	Aquifer
28" / Steel	300'	Surficial and Intermediate Aquifers
16" / Steel	1,090'	Avon Park Limestone (Upper Zone Monitoring Interval for DZMW-1s: 1,090' - 1,202')
7.625"/Fiberglass	2,770	Mid-Confining Unit and Lower Floridan Aquifer
6" Open Hole	2,850'	Oldsmar Limestone (Lower Zone Monitoring Interval for DZMW-1d: 2,770 - 2,850)

IW-2 Construction Details:

O.D. Inches / Type	Depth ft (bls)	Aquifer
54" / Steel	218'	Surficial and Upper Floridan
44" / Steel	± 1,212'	Upper Floridan
28" / Steel	± 3,300'	Mid-Confining Layer & Lower Floridan
18" / Steel	± 4,200'	Lower Confining Layer & Cedar Keys Fm
10.75" / Fiberglass	± 4,200'	Lower Confining Layer & Cedar Keys Fm
12.75" Open Hole	± 8,000'	Lower Cedar Keys, Lawson Limestone, and other Cretaceous Fms

Monitor Well DZMW-2:

O.D. Inches / Type	Depth ft (bls)	Aquifer
30" / Steel	± 230'	Surficial and Intermediate Aquifers
16" / Steel	± 1,100'	Avon Park Limestone (Upper Zone Monitoring Interval for DZMW-2s: ~1,100' - 1,200')
7.625"/Fiberglass	± 2,700	Mid-Confining Unit and Lower Floridan Aquifer
6" Open Hole	± 2,800'	Oldsmar Limestone (Lower Zone Monitoring Interval for DZMW-2d: ~2,700 - 2,800)

4. Operational Testing Requirements

- The permittee shall conduct operational testing of the injection well to demonstrate that the well can absorb the design and peak daily flows that are expected.
- No wastewater shall be injected into this test injection well without prior written authorization from the Department.
- The Engineer of Record or designated qualified representative must be present for the start-up operations and the Department must be notified in writing of the date operational testing commenced for the subject well.
- Prior to Department authorization for operational testing, the permittee shall obtain all necessary state, federal and local permits for the selected temporary alternative discharge method for emergency disposal, pursuant to Rule 62-528.450(3)(a)4., F.A.C. All temporary alternative discharge methods shall be fully operational prior to test injection.
- Prior to operational testing, the background water quality for the injection and monitoring zones shall be established. The analysis shall include the Primary and Secondary Water Quality Standards listed in Rules 62-550.310 and 62-550.320, F.A.C.

- f. Prior to Department authorization of operational testing the following items must be submitted for TAC review and Department approval [Rule 62-528.450(3) (a)3., F.A.C.]:
 - 1) The permittee shall submit at a minimum the following information to each member of the Technical Advisory Committee for review. Items already submitted may be referenced.
 - a) Draft operation and maintenance manual;
 - b) Lithologic and geophysical logs with interpretations;
 - c) Results of pressure tests on the final casing and FRP tubing for the injection well, and on the final casings of the monitor wells;
 - d) Short term injection test data and evaluation;
 - e) Confining zone data (cores, etc.);
 - f) Background water quality data (injection zones and monitoring zones);
 - g) Aquifer test data, analysis and evaluation;
 - h) Analysis of the chemical composition of the wastewater. The wastewater shall be analyzed for the Primary and Secondary Water Quality Standards listed in Rules 62-550.310 and 62-550.320, F.A.C. ;
 - i) Surface equipment completion certification or certification of interim completion for the purposes of testing;
 - j) Signed and sealed as-built engineering drawings of all wellheads and subsurface well components equipment pursuant to Rule 62-600.540(4), F.A.C.; and
 - k) Submittal of a plugging and abandonment plan.
 - 2) Before authorizing operational testing the Department shall conduct an inspection of the facility to determine if the conditions of this permit have been met.
- g. If any monitoring data indicates the movement of injected fluid or formation fluid into underground sources of drinking water, the Department shall prescribe such additional requirements for construction, corrective action (including possible closure of the injection well), operation, monitoring, or reporting as necessary to prevent such movement. These additional requirements shall be imposed by modifying the permit or via enforcement action, where applicable.
- h. The permittee shall calibrate all pressure gauge(s), flow meter(s), chart recorder(s), and other related equipment associated with the injection well system on a semi-annual basis, using standard engineering methods. The permittee shall maintain all monitoring equipment and shall ensure that the monitoring equipment is calibrated and in proper operating condition at all times. Laboratory equipment, methods, and quality control will follow EPA guidelines as expressed in Standard Methods for the Examination of Water and Wastewater.

- i. The injection well system shall be monitored in accordance with Rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. The following injection well performance and monitor zone data shall be recorded and reported in the Monthly Operating Report as indicated below. All samples must be collected and analyzed in accordance with the quality assurance requirements of F.A.C. Chapter 62-160. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity:

Parameter	Units	Recording Frequency	Frequency of Analysis	
			IW-1 & IW-2	DZMW-1 & DZMW-2
Flow Rate, max.	gpm	daily/monthly	^a	
Flow Rate, min.	gpm	daily/monthly	^a	
Flow Rate, avg.	gpm	daily/monthly	^a	
Parameter	Units	Recording Frequency	Frequency of Analysis	
			IW-1 & IW-2	DZMW-1 & DZMW-2
Total Injection Volume	mg	daily/monthly		
Injection Pressure, max.	psi	daily/monthly	^a	
Injection Pressure, min.	psi	daily/monthly	^a	
Injection Pressure, avg.	psi	daily/monthly	^a	
Pressure or Water Level, max.	Psi or ft NGVD	daily/monthly		^a
Pressure or Water Level, min.	Psi or ft NGVD	daily/monthly		^a
Pressure or Water Level, avg.	Psi or ft NGVD	daily/monthly		^a
Dissolved Oxygen	mg/L		M	M
Turbidity	NTU		M	M
pH	std. units		M	W
Specific Conductance	µmhos/cm		M	W
Field Temperature	°C		M	W
Ammonia (as N)	mg/L		M	W
Total Dissolved Solids	mg/L		M	W
Total Kjeldahl Nitrogen	mg/L		M	W
Total Alkalinity	mg/L		M	M
Total Nitrogen	mg/L		M	W
Total Organic Carbon	mg/L		M	M
Total Suspended Solids	mg/L		M	M
Bicarbonate-HCO ₃	mg/L		M	M

Carbonate	mg/L		M	M
Calcium	mg/L		M	M
Magnesium	mg/L		M	M
Potassium	mg/L		M	M
Sulfate	mg/L		M	W
Chloride	mg/L		M	W
Arsenic	µg/L		M	
Selenium	µg/L		M	
Fluoride	mg/L		M	M
Primary/Secondary DWS			A	A

W – Weekly; M - Monthly; A - Annually.

^a - Operational data reporting for flows, pressures, and water levels: daily max, min, and average from continuous reporting; monthly max, min, and average (calculated from daily averages).

Weekly monitoring may be reduced to monthly after six months with submittal of supporting information and with Department approval.

- j. A specific injectivity test, in accordance with Rule 62-528.430(2)(c) and 62-528.450(3)(a)7., F.A.C., shall be performed monthly on the injection well with the pumping rate set at a predetermined level and reported as the specific injectivity index (gallons per minute/specific pressure). The permittee shall propose the pumping rate to be used based on the expected flow, the design of the pump type(s), and the type of pump control used. The test shall include a period of time sufficient to observe and record pressure fall-off and stabilization by shutting in the well after the test. The proposed specific injectivity test shall be submitted to the Department for approval prior to operational testing. The specific injectivity test data shall be submitted monthly along with the monitoring results of the injection well and monitor wells.
- k. Operational testing of this injection well system shall cease within 2 years from the start of operational testing or the expiration of this permit, whichever is less, unless the Department has issued intent to issue an operation permit, or a timely renewal application (Rule 62-4.090, F.A.C.) of this construction permit has been submitted to the Department. However, under no circumstance shall the duration of the operational testing period exceed two years as specified in Rule 62-528.450(3)(b), F.A.C.

5. Reporting Requirements

- a. This project shall be monitored by the Department with the assistance of the Technical Advisory Committee (TAC). The permittee shall submit all correspondence required by and relative to this permit concurrently to each member of the TAC. Such correspondence includes, but is not limited to, reports, schedules, analyses, and geophysical logs required by the Department under the terms of this permit. The

permittee is not required to provide specific correspondence to any TAC member who submits to the permittee a written request to be omitted as a recipient of specific correspondence. The TAC consists of representatives from these agencies:

Florida Department of Environmental Protection
Southwest District - UIC Program
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
bill.kelsey@dep.state.fl.us
rommy.laheraaument@dep.state.fl.us

Florida Department of Environmental Protection
Underground Injection Control Program
2600 Blair Stone Road, MS 3530
Tallahassee, Florida 32399-2400
joe.haberfeld@dep.state.fl.us
james.alexander@dep.state.fl.us

Southwest Florida Water Management District
Well Construction Permitting
7601 U.S. Highway 301 North
Tampa, FL 33637
davidn.arnold@swfwmd.state.fl.us

- b. After completion of construction and testing, a final engineering report shall be submitted to the Department and the TAC. The report shall include, but not be limited to:
- 1) All information and data collected under Rules 62-528.605, 62-528.615, and 62-528.635, F.A.C., with appropriate interpretations.
 - 2) A complete set of as-built engineering drawings (Florida-licensed Professional Engineer. signed and sealed).
 - 3) Mill certificates for the casings shall be included in the report.
 - 4) To the extent possible, the transmissivity of the injection zone and the maximum capacity within safe pressure limits shall be estimated.

The cover letter for the final engineering report shall be mailed to the U.S. EPA Region 4, UIC Program, 61 Forsythe Street SW, Atlanta, GA 30303-8909.

- c. The permittee shall submit monthly operating reports (MORs) during operational testing, which contain the injection and monitoring well data required by this permit (Condition 5.i.). The report shall include:

- 1) A cover page summarizing both the current status of operational testing and all monthly activities, and includes the certification and signature required in condition 6.h.;
- 2) Operational and water quality data in a tabular format. Standardized forms for the project may be provided by the Department if deemed necessary; and
- 3) Laboratory pages and supporting documentation.

The report shall be submitted no later than the last day of the month immediately following the month of record. The MOR shall be submitted *via* direct internet electronic mail (e-mail) to UIC Staff at the Southwest District (SWD_UIC@dep.state.fl.us) and Tallahassee Offices (james.alexander@dep.state.fl.us), in Adobe™ (pdf) format. A hard copy of only the tabulated data shall be sent to the Department of Environmental Protection, UIC Program, Mail Station 3530, 2600 Blair Stone Road, Tallahassee, FL 32399-2400.

- d. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. All reports shall contain the following certification as required in Rule 62-528.340(4), F.A.C.:

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 upon 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.

6. Abnormal Events

- a. In the event the permittee is temporarily unable to comply with any conditions of this permit due to breakdown of equipment, power outages, destruction by hazard of fire, wind or by other cause, the permittee shall notify the Department. Notification shall be made in person, by telephone or by electronic mail within 24 hours of breakdown or malfunction to the UIC Program staff, Southwest District office.
- b. A written report of any noncompliance referenced in a. above shall be submitted to the Southwest District office within five days after discovery of the occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions.

7. Financial Responsibility

- a. The permittee shall maintain the resources necessary to close, plug, and abandon the injection well system at all times (Rule 62-528.435(9), F.A.C.).
- b. The permittee shall review annually the cost estimates for plugging and abandonment. A certified (By Professional Geologist or Professional Engineer) copy of the annual update shall be submitted to the Department's Tallahassee UIC Program each year within 90 days of the close of the permittee's fiscal year, with a copy sent to the Department's Temple Terrace office. In addition, within 90 days of the close of the permittee's fiscal year, the permittee shall submit the items required for the UIC Financial Test on Page 48 of the document: "State of Florida Underground Injection Control Program Financial Responsibility Options for Owners and Operators of Injection Wells" (1996), which is located at the DEP website at:
http://www.dep.state.fl.us/water/uic/docs/Guidance_Document_scanned.pdf.
- c. In the event that the mechanism used to demonstrate financial responsibility should become invalid for any reason, the permittee shall notify the Department in writing within 14 days of such invalidation. The permittee shall then within 30 days of said notification submit to the Department for approval new financial documentation in order to comply with Rule 62-528.435(9), F.A.C., and the conditions of this permit.

8. Emergency Disposal

- a. All applicable federal, state and local permits shall be in place to allow for any alternative discharges due to emergency or planned outage conditions.
- b. Any changes in emergency disposal methods shall be submitted for TAC review and Department approval.
- c. The permittee shall notify the Department within 24 hours whenever an emergency discharge has occurred (Rule 62-528.415(4)(c)1., F.A.C.). Written notification shall be provided to the Department within 5 days after each occurrence. The Permittee shall indicate the location and duration of the discharge and the volume of fluid discharged.

9. General Conditions

The permittee shall be aware of and operate under General Conditions Rule 62-528.307(1)(a) through (x), and (2)(a) through (f) F.A.C. (Attachment A). General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, F.S.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Mauryn McDonald, P.E.
Water Facilities Program Administrator
Southwest District

Attachment A: Rules 62-528.307(1)(a) through (x)

ATTACHMENT A

62-528.307 Underground Injection Control: General Conditions for Permits

The following general conditions shall be included in each of the respective types of underground injection control permits.

(1) All UIC Permits.

(a) The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to section 403.141, F.S.

(b) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.

(c) As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

(d) This permit conveys no title to land, 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.

(e) This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; 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.

(f) The permittee shall 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, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

(g) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

1. Have access to and copy any records that must be kept under conditions of this permit;
2. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
3. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.

(h) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

(i) 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 where such use is proscribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

(j) The permittee 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.

(k) This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

(l) This permit or a copy thereof shall be kept at the work site of the permitted activity.

(m) The permittee shall comply with the following:

1. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.

2. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

3. Records of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements;
- b. the person responsible for performing the sampling or measurements;
- c. the dates analyses were performed;
- d. the person responsible for performing the analyses;
- e. the analytical techniques or methods used;
- f. the results of such analyses.

4. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

5. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

(n) All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.

(o) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

(p) Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(q) 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.

(r) The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(s) This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(t) The permittee shall retain all records of all monitoring information concerning the nature and composition of injected fluid until five years after completion of any plugging and abandonment procedures specified under rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.

(u) All reports and other submittals required to comply with this permit shall be signed by a person authorized under rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in rule 62-528.340(4), F.A.C.

(v) The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in rule 62-528.410(1)(h).

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

(x) The permittee shall report any noncompliance which may endanger health or the environment including:

1. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or

2. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

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 5 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 times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) All UIC Construction Permits.

(a) If injection is to continue beyond the expiration date of this permit the permittee shall apply for, and obtain an operation permit. If necessary to complete the two-year operational testing period, the permittee shall apply for renewal of the construction permit at least 60 days prior to the expiration date of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Operational testing. Prior to operational testing, the permittee shall comply with the requirements of rule 62-528.450(3)(a),(b), and (c), F.A.C.

(f) Mechanical Integrity.

1. Injection is prohibited until the permittee affirmatively demonstrates that the well has mechanical integrity. Prior to operational testing the permittee shall establish, and thereafter maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(3) All UIC Operation Permits.

(a) In accordance with rules 62-4.090(1) and 62-528.455(3)(a), F.A.C., the permittee shall submit an application for permit renewal at least 60 days prior to expiration of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Mechanical Integrity.

1. The permittee shall maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(4) All UIC Plugging and Abandonment Permits.

(a) The well shall be plugged and abandoned in a manner that will not allow fluid movement into or between underground sources of drinking water.

(b) In accordance with rule 62-528.435(11), F.A.C., the permittee shall submit to the Department a plugging and abandonment report within 90 days of completion of plugging and abandonment.

Specific Authority 403.061, 403.087, 403.088 FS. Law Implemented 403.061, 403.087, 403.088 FS. History - New 7-15-99.

ATTACHMENT A

62-528.307 Underground Injection Control: General Conditions for Permits

The following general conditions shall be included in each of the respective types of underground injection control permits.

- (1) All UIC Permits.
 - (a) The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to section 403.141, F.S.
 - (b) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.
 - (c) As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
 - (d) This permit conveys no title to land, 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.
 - (e) This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; 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.
 - (f) The permittee shall 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, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
 - (g) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 1. Have access to and copy any records that must be kept under conditions of this permit;
 2. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 3. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.
 - (h) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 1. A description of and cause of noncompliance; and
 2. The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
 - (i) 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 where such use is proscribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

(j) The permittee 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.

(k) This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

(l) This permit or a copy thereof shall be kept at the work site of the permitted activity.

(m) The permittee shall comply with the following:

1. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.

2. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

3. Records of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements;
- b. the person responsible for performing the sampling or measurements;
- c. the dates analyses were performed;
- d. the person responsible for performing the analyses;
- e. the analytical techniques or methods used;
- f. the results of such analyses.

4. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

5. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

(n) All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.

(o) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

(p) Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(q) 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.

(r) The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(s) This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(t) The permittee shall retain all records of all monitoring information concerning the nature and composition of injected fluid until five years after completion of any plugging and abandonment procedures specified under rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.

(u) All reports and other submittals required to comply with this permit shall be signed by a person authorized under rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in rule 62-528.340(4), F.A.C.

(v) The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in rule 62-528.410(1)(h).

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

(x) The permittee shall report any noncompliance which may endanger health or the environment including:

1. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or

2. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

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 5 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 times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) All UIC Construction Permits.

(a) If injection is to continue beyond the expiration date of this permit the permittee shall apply for, and obtain an operation permit. If necessary to complete the two-year operational testing period, the permittee shall apply for renewal of the construction permit at least 60 days prior to the expiration date of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Operational testing. Prior to operational testing, the permittee shall comply with the requirements of rule 62-528.450(3)(a),(b), and (c), F.A.C.

(f) Mechanical Integrity.

1. Injection is prohibited until the permittee affirmatively demonstrates that the well has mechanical integrity. Prior to operational testing the permittee shall establish, and thereafter maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(3) All UIC Operation Permits.

(a) In accordance with rules 62-4.090(1) and 62-528.455(3)(a), F.A.C., the permittee shall submit an application for permit renewal at least 60 days prior to expiration of this permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(c) The injection system shall be monitored in accordance with rules 62-528.425(1)(g) and 62-528.430(2), F.A.C. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(d) The permittee shall submit monthly to the Department the results of all injection well and monitor well data required by this permit no later than the last day of the month immediately following the month of record. The results shall be sent to the Department of Environmental Protection, [Name] District Office, [Address]. A copy of this report shall also be sent to the Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Mechanical Integrity.

1. The permittee shall maintain the mechanical integrity of the well at all times.

2. If the Department determines that the injection well lacks mechanical integrity, written notice shall be given to the permittee.

3. Within 48 hours of receiving written notice that the well lacks mechanical integrity, unless the Department requires immediate cessation of injection, the permittee shall cease injection into the well unless the Department allows continued injection pursuant to subparagraph 4 below.

4. The Department shall allow the permittee to continue operation of a well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(4) All UIC Plugging and Abandonment Permits.

(a) The well shall be plugged and abandoned in a manner that will not allow fluid movement into or between underground sources of drinking water.

(b) In accordance with rule 62-528.435(11), F.A.C., the permittee shall submit to the Department a plugging and abandonment report within 90 days of completion of plugging and abandonment.

Specific Authority 403.061, 403.087, 403.088 FS. Law Implemented 403.061, 403.087, 403.088 FS. History - New 7-15-99.