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I. GENERAL

The Progress Energy Florida proposes to operate a nominal 269.5 MW cogeneration facility consisting of one combustion turbine generator (184 MW), one heat recovery steam turbine generator (85.5 MW), and ancillary equipment. This facility is located near Ft. Meade, Polk County, Florida. The UTM coordinates are Zone 17, 416.22 km East and 3069.22 km North.

The general and specific conditions contained in these Conditions of Certification shall apply to the operation of the Progress Energy Florida Tiger Bay Cogeneration Facility.

A. Definitions

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency. 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:

1. “Application” shall mean the Site Certification Application (SCA) for the Tiger Bay Cogeneration Facility (TBCF), filed with the Department on September 19, 1997, as supplemented or subsequently amended.

2. “DEP” or “Department” shall mean the Florida Department of Environmental Protection.

3. “Emergency conditions” shall mean 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.

4. “Facility” shall mean the Tiger Bay Cogeneration Facility and all associated structures, including but not limited to: the combined cycle unit, fuel and water storage tanks, natural gas delivery metering station, air pollution control equipment, storm water control facilities, the cooling towers and related structures.

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

6. “Licensee” shall mean the Progress Energy Florida (PEF).
7. “Power plant” shall mean the electric power generating plant and appurtenances to be operated on the Tiger Bay Cogeneration Facility site in Polk County, as generally depicted in the Application.

9. “Project” or “TBCF” shall mean the Tiger Bay Cogeneration Facility and all associated facilities.

10. “SWFWMD” shall mean the Southwest Florida Water Management District.

B. Applicable Rules


II. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial generating capacities of the existing unit, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, or expansion in steam generation capacity shall be reported by submission of an application for modification pursuant to Chapter 403, F.S.

III. GENERAL CONDITIONS

A. Facilities Operation

1. The Licensee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used to achieve compliance with the conditions of this certification, and 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 approval and when required by Department rules.

2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to
resume and continue to take place under an appropriate Department order, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown which is the subject of the Department's order.

3. The Licensee shall comply with the terms and conditions contained in the conditional exclusion for “no exposure” of industrial activities and materials to stormwater in accordance with NPDES Stormwater “No Exposure” Certification No. FLRNEE394 (attached and incorporated herein as Appendix III).

B. Non-Compliance Notification

If, for any reason, the Licensee (defined as the applicant or its successors and or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Licensee shall notify the Southwest District office of the DEP by telephone at (813) 620-6100. After normal business hours, report any condition that poses a public health threat to the State Warning Point under telephone number (850) 413-9911 or (850) 413-9912. PEF shall confirm this non-compliance in writing at 3804 Coconut Palm Drive, Tampa, Florida 33619-8218 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of the discharge and cause of noncompliance; and,

2. The period of non-compliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

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 telephone immediately after discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephonic report shall be submitted by calling the Southwest District Industrial Wastewater Compliance/Enforcement Section under telephone number (813) 620-6100. After normal business hours, contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. 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 used 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.
C. Safety

1. The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction. The Safety Standards specified under Section 442.20, F.S., by the Division of Safety of the Florida Department of Labor and Employment Security shall also be complied with.

2. 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 Section 62-520.420, 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.

D. Enforcement

The Department may take any and all lawful actions as it deems appropriate to enforce any condition of this certification.

E. Design and Performance Criteria

The power plant may be operated at up to the maximum electrical output projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, the Licensee shall take all reasonable steps to minimize any adverse impacts resulting from noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

F. Certification - General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in these conditions of certification are the same as “Permit Conditions” and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance with a condition of certification or condition of a federally delegated or approved permit constitutes a violation of chapter
403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. PEF is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

2. This approval 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 approval may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval 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 approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification.

4. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this approved source, or from penalties therefore; 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 these Conditions 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 permitted activity in order to maintain compliance with these Conditions.

5. In accepting this certification, the Licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is prescribed 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.

6. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

7. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity.
8. The Licensee shall comply with the following:

   a. Upon request, the Licensee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

   b. The Licensee shall hold at the facility or other location designated by this approval records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Data utilized to prepare the application may be maintained at the following locations:

   Progress Energy Florida  
   Headquarters Office  
   3201 34th Street South  
   St. Petersburg, Florida 33733

   Progress Energy Florida  
   Tiger Bay Cogeneration Facility  
   3912 State Road 630 West  
   Ft. Meade, Florida 33841

   c. Records of monitoring information shall include:

      ● the date, exact place, and time of sampling or measurements;
      ● the person responsible for performing the sampling or measurements;
      ● the dates analyses were performed;
      ● the person responsible for performing the analyses;
      ● the analytical techniques or methods used;
      ● the results of such analyses.

9. These Conditions may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Licensee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
10. The Licensee, by accepting these Conditions, 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 Licensee’s premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under these Conditions;

   b. Have access to and copy any records that shall be kept under the conditions of these Conditions;

   c. Inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and

   d. Sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

11. In accepting these Conditions, the Licensee 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, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules.

12. When requested by the Department, the Licensee 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 these Conditions, or to determine compliance with the permit. The Licensee shall also provide to the Department upon request copies of records required by these Conditions to be kept. If the Licensee 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.

13. Unless specifically stated otherwise in Department rules, the Licensee, in accepting these Conditions, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Licensee does not waive any 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.
14. The Licensee, in accepting these Conditions, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.

15. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

16. The Licensee shall apply for a revision to any Department issued PSD, Title V, or NPDES permit in accordance with Department Rules in Chapter 62, Florida Administrative Code, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with applicable rules for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62, F.A.C.

17. The Licensee 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 Licensee 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 these Conditions. 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.

18. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in these Conditions shall be submitted no later than 14 days following each schedule date.

When requested by the Department, the Licensee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If the Licensee 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.

G. Laboratories and Quality Assurance

1. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, must be from a laboratory which has a currently valid and Department approved Comprehensive Quality
Assurance Plan (CompQAP) [or a CompQAP pending approval] for all parameters being reported, as required by Chapter 62-160, F.A.C.

2. When a contract laboratory is used to analyze samples required pursuant to this certification, the Licensee is required to have the samples taken by qualified personnel following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C.

3. When an in-house laboratory is used to analyze samples required pursuant to this permit, the Licensee is required to have the samples taken by a qualified technician following EPA and Department approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be retained on-site for at least three (3) years and made available to the Department immediately upon request.

H. Procedures for Post-Certification Submittals

1. Purpose of Submittals: Conditions of certification which provide for the post-certification submittal of information to DEP by the Licensee are for the purpose of facilitating DEP’s monitoring of the effects arising from the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

2. Filings: All post-certification submittals of information by the Licensee 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.

3. 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, the Licensee 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.

4. 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.
5. **Reasonable Assurance of Compliance**: Within ninety (90) days of the filing of a complete post-certification submittal, or 45 days after a submittal is made by the Licensee, or unless another date is specified herein, DEP shall give written notification to the Licensee 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, the Licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify the Licensee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

IV. **ADVERSE IMPACT**

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 discharge.

V. **RIGHT OF ENTRY**

The Licensee shall allow during normal business hours the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, including representatives of the SWFWMD upon the presentation of credentials:

A. To enter upon the Licensee’s premises where an emission or effluent source is located or in which records are required to be kept under the terms and conditions of this certification;

B. To have access during normal business hours (Monday-Friday, 7:00 a.m. to 3:30 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, or monitor any substances or parameters at any location reasonably necessary to assure compliance with this certification or Department rules; and,

D. To assess any damage to the environment or violation of ambient standards.

VI. **REVOCATION OR SUSPENSION**

This certification may be suspended or revoked for violations of any of its conditions pursuant to Section 403.512, F.S.
VII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, F.S., or regulations thereunder.

Subject to Section 403.511, F.S., this certification shall not preclude the institution of any legal action or relieve the Licensee from any responsibilities or penalties established pursuant to any other applicable state statutes or regulations.

VIII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor 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 certification 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.

IX. 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 circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the certification shall not be affected thereby.

X. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five (5) years from the date of issuance of certification the Department may review these conditions of certification and propose any needed changes.

XI. MODIFICATION OF CONDITIONS

A. Pursuant to Subsection 403.516(1), F.S., the Siting Board hereby delegates the authority to the Secretary to modify any condition of this certification.
B. Subject to the notice requirements of 403.516(1), F.S., the certification shall be automatically modified to conform to subsequent DEP-issued amendments, modifications or renewals of any separately-issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project and the conditions of such permits shall be controlling over these Conditions of Certification.

XII. CONSTRUCTION

No new construction is authorized by these conditions of certification. The Department must be notified in writing and prior written approval must be obtained for any changes, modification, or revision to be made to the project which are in conflict with these conditions of certification. If there are any changes, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the conditions of certification.

XIII. AIR RESOURCES MANAGEMENT

The construction and operation of Tiger Bay Cogeneration Facility shall be in accordance with all applicable provisions of Title 62, F.A.C., and the Air Construction and Title V Air Operation Permits, including their subsequent modifications, amendments, or renewals. The Air Construction Permits are incorporated by reference herein as part of this Certification and attached as Appendix I. The current Title V Air Operation Permit (1050223-015-AV) is incorporated by reference herein as part of this Certification and attached as Appendix II. Any violation of such provisions shall be a violation of these Conditions of Certification.

XIV. WATER RESOURCES MANAGEMENT

A. Stormwater Discharge

1. The facility does not come into contact with industrial materials or activities and therefore does not result in stormwater discharge associated with industrial activity. All terms and conditions of Rule 62-620.100(2)(o), F.A.C. will be met to allow the conditional exclusion from National Pollution Discharge Elimination System (NPDES) stormwater permitting. Should conditions change, such that the condition of no exposure no longer exists, the licensee will apply for an NPDES individual Stormwater permit, or seek coverage under a NPDES generic Stormwater permit. The No Exposure Certification for Exclusion from NPDES Stormwater Permit number FLRNEE394 will be valid for a period of 5 years from the date of receipt of an
authorization letter from DEP Renewal.

2. Contact stormwater (rainfall that has come in contact with industrial equipment or processes) runoff is to be completely contained and recycled as process water or entered into the process wastewater stream directly.

3. New construction on the facility site must meet the requirements of Rules 62-25, F.A.C. and 62-17.211, F.A.C., as well as the design requirements presented in the Site Certification Application (SCA). New stormwater facilities associated with the facility will not become operational until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d) Florida Statutes, and with the appropriate experience in surface water design, certifies that these facilities have been constructed in accordance with the design as approved by the Florida Department of Environmental Protection (DEP).

**B. Domestic Wastewater Treatment and Disposal**

1. The Licensee is approved to continue to operate the existing, permitted septic tank system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Health Department and made a part thereof.

2. All sludge material removed from the septic tank will be disposed of offsite in an authorized manner. No sludge is to be disposed of onsite.

3. Any future request for alternative treatment will require approval to construct and operate any such new facility and will be subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Rules 62-3, 62-4, pertinent chapters within the 62-300, 62-500 and 62-600 series, and 62-17.211.

**C. Potable Water Supply**

1. The approval to operate the existing potable water distribution system is subject to the non-procedural provisions of Chapter 403, F.S., and pertinent Chapters within the F.A.C. Rules in Chapter 62-500 Series and Chapter 62-699. The Licensee is approved to continue to operate the existing, permitted potable water system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Department of Health and made a part thereof.

2. A Department of Health and Rehabilitative Services certified laboratory shall test the potable water system water quality annually for coliform bacteria and submit the results to the Polk County Health Department. The system shall otherwise be operated in accordance with section 381.0062, F.S. and Rule 10D-4, F.A.C.
3. Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system may be undertaken following the filing with the DEP a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections. This activity shall be subject to the requirements of Rules 62-555.540, F.A.C. and 62-17.211.

D. Groundwater Management

1. The total quantity of groundwater withdrawal authorized for this facility is:

   AVERAGE: 1,700,000 gpd
   PEAK MONTHLY: 2,100,000 gpd

2. Authorized groundwater withdrawal points:

<table>
<thead>
<tr>
<th>I.D. No. (Licensee’s/ WMD’s)</th>
<th>Location</th>
<th>Diameter</th>
<th>Depth (total/ cased)</th>
<th>Use</th>
<th>MGD Averag e</th>
<th>Per Day Peak Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1/1</td>
<td>Lat: 27 44 Long: 81 50 43 59</td>
<td>16 in</td>
<td>800 ft / 360 ft</td>
<td>I/C</td>
<td>1.7²</td>
<td>2.1²</td>
</tr>
<tr>
<td>P2/2</td>
<td>Lat: 27 44 Long: 81 50 43 58</td>
<td>16 in</td>
<td>800 ft / 360 ft</td>
<td>I/C</td>
<td>1.7²</td>
<td>2.1²</td>
</tr>
<tr>
<td>P1/1 and P2/2 Combined</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.7</td>
<td>2.1</td>
</tr>
<tr>
<td>P3/3</td>
<td>Lat: 27 44 Long: 81 50 43 58</td>
<td>4 in</td>
<td>500 ft / 360 ft</td>
<td>I/C</td>
<td>0.001</td>
<td>0.002</td>
</tr>
</tbody>
</table>

1 I/C=Industrial or Commercial
2 Note that the total withdrawals can all be from either well or partially from both but the total from both wells cannot exceed the combined value.

3. All reports required by these Conditions to be submitted to the Southwest Florida Water Management District shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

   Permits Data Section, Resource Regulation
   Southwest Florida Water Management District
   2379 Broad Street
   Brooksville, Florida 34609-6899
Unless otherwise indicated, three copies of each plan or report are required by these Conditions except reports of pumpage, rainfall, evapotranspiration, water level or water quality data, which require one copy.

4. Within 90 days of Certification issuance, completion of construction of the withdrawal facility or prior to activation of a stand-by source, District ID Nos. 1 and 2, Licensee ID Nos. P1 and P2, shall be equipped with non-resetable, totalizing flow meter(s), or other measuring device(s) as approved in writing by the SWFWMD Permitting Department Director, Resource Regulation, unless an extension is granted by the Director. Such device(s) shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

5. Water quality samples shall be collected and analyzed, for parameter(s), and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category “1”. At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, the Licensee’s sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the SWFWMD Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the SWFWMD Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

<table>
<thead>
<tr>
<th>District ID No.</th>
<th>Licensee ID No.</th>
<th>Minimum Pumping Time (minutes)</th>
<th>Parameter</th>
<th>Sampling Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>P1</td>
<td>30</td>
<td>TDS, Chlorides, Sulfates</td>
<td>February, May, August, November</td>
</tr>
</tbody>
</table>

6. Water quality samples shall be collected based on the following timetable:
Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

7. The Licensee shall construct the certified wells according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth that at which high producing zones are encountered. However, it is the Licensee’s responsibility to have the water in the well sampled, during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Licensee and to ensure that withdrawals from the well will not cause salt-water intrusion.

<table>
<thead>
<tr>
<th>District ID No.</th>
<th>Licensee ID No.</th>
<th>Surface Diameter</th>
<th>Minimum Casing Depth</th>
<th>Estimated Total Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>P1</td>
<td>16 in.</td>
<td>360 ft.</td>
<td>800 ft.</td>
</tr>
<tr>
<td>2</td>
<td>P2</td>
<td>16 in.</td>
<td>360 ft.</td>
<td>800 ft.</td>
</tr>
<tr>
<td>3</td>
<td>P3</td>
<td>4 in.</td>
<td>360 ft.</td>
<td>500 ft.</td>
</tr>
</tbody>
</table>

**NOTE**

The casing shall be continuous from land surface to the minimum depth stated above.

All well casing (including liner; and/or pipe) must be sealed with neat cement to the depth specified above.

The wells shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells, and all wells six (6) inches or more in diameter.

The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Permitting Department Director, Resource Regulation, or the Supervisor of the Well Construction Permitting Section in Brooksville.

Advance approval from the Permitting Department Director, Resource Regulation is necessary should the Licensee propose to change the well location or casing diameter.

8. For the purpose of determining site-specific transmissivity, a step drawdown and constant rate specific capacity test shall be performed on District ID No. 1, Licensee ID No. P1, after the well has been fully developed. The test shall be performed in accordance with the specifications set forth in Design Aid 3.B, Water Use Permit Information Manual, SWFWMD. The recorded raw data shall be submitted to
the Permits Data Section within thirty days of completion of the well.

9. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, the Department shall alter, modify, or declare inactive all or parts of these Conditions as necessary to address the water shortage.

10. The SWFWMD shall collect water samples from any withdrawal point listed in these Conditions or shall require the Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

11. The Licensee shall cease or reduce withdrawal as directed by the SWFWMD if water levels in aquifers fall below the minimum levels established by the Governing Board.

12. The Licensee 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 SWFWMD Governing Board adopts specific conservation requirements for the Licensee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.


   a. An interim water supply shortage shall mean a shortage of previously authorized process and cooling water sources which results in the inability of PEF to prevent the operational water level of the Hines cooling pond from being lowered below an elevation of 158.5 feet National Geodetic Vertical Datum (NGVD). If the water level becomes less than 158.5 feet NGVD, despite all reasonable efforts by PEF to prevent such lowering of water level by utilizing all previously authorized water sources to the greatest extent practicable, PEF is authorized until November 30, 2005, to transfer Upper Floridan aquifer groundwater authorized to be used at PEF's Tiger Bay facility to the Hines cooling pond. When the water level in the Hines cooling pond rises to an elevation of 158.5 feet NGVD, and PEF is able to successfully maintain the water level at or above 158.5 feet NGVD for seven (7) consecutive days, the water supply shortage shall be considered to have ended and PEF shall discontinue the use of transferred groundwater from Tiger Bay.

   b. The quantity of groundwater authorized for use at the Tiger Bay facility shall be reduced by the amount of that source being transferred to the Hines cooling pond during the water supply shortage. At no time will the groundwater quantities produced at the Tiger Bay facility exceed the permitted quantities for the facility.

   c. The monthly groundwater pumpage reports required to be submitted to SWFWMD per condition XIV.D.4 shall include a breakdown of quantities produced for use at the Tiger Bay facility, water shortage transfer to the Cooling Pond
at the Hines Energy Complex, and for flushing the pipelines associated with water conveyance to the Hines Energy Complex.

E. Surface Water Management

1. There shall be no direct discharge from this facility of any industrial wastewater, domestic wastewater, or contact stormwater to any surface water or land surface.

2. Stormwater and industrial wastewater may be transferred to PEF’s Hines Energy Complex by way of connecting pipeline.

XV. SOLID AND HAZARDOUS WASTE MANAGEMENT

1. No solid or hazardous waste is to be permanently stored onsite.

2. Salt cake from the industrial wastewater treatment and cooling water systems is to be sent off-site for disposal.

3. Sanitary waste sludge from the septic tank system is to be collected and delivered off-site for disposal.

XVI. HISTORY NOTES

Certification issued 06/24/98; signed by Governor Chiles
Modification A issued 03/17/03; signed by Siting Administrator Oven
Modification B issued 04/26/04; signed by Siting Administrator Oven
Modification C issued 07/10/06; signed by Siting Administrator Oven
Modification D issued 11/29/06; signed by Siting Administrator Oven
Modification E issued 02/09/10; signed by Siting Administrator Halpin