STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Duke Energy Florida

Hines Energy Complex

PA 92-33J

Modified XXXXXXXX

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SECTION A: GENERAL CONDITIONS

I. SCOPE Moved with revisions from Section A. Condition I. Scope

A. 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 Duke Energy Florida (DEF) as owner/operator and Licensee of the Hines Energy Complex (Hines). Subject to the requirements contained in these Conditions of Certification (Conditions), DEF will operate 4 fossil fuel-fired combined cycle units with a combined electric generating capacity of approximately 2,090 megawatts (MW) and associated on- and off-sites facilities as described in the site certification application (SCA). The electric generating units and their on-sites associated facilities are located on an 8,200-acre site at 7700 County Road 555 in Bartow, Polk County, Florida. The UTM coordinates are: Zone 17, 414.4 km East, 3073.9 km North; and the latitude/longitude coordinates are: 27°47'19" North/81°52'10" West.

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

- Four Power Blocks
- Hines Cooling Pond;
- Hines Brine Pond (SA-9);
- SA-8 Water Crop/Wetlands Treatment System;
- SA-8 Upland Fish Disposal Area;
- Plant Island Ditch (PID) Runoff Collection System, including SA-11, SA-12 and SA-13;
- Water Crop/IWW Alternative Water Supply (AWS) capture and storage areas, including Lake Phosphoria, P-3. P-2. Triangle Lakes, N-15, and N-11 B/C;
- AWS transfer appurtenances within the certified site boundary associated with receipt of reclaimed/IWW used to augment the cooling pond, including those associated with receipt of City of Bartow reclaimed water and IWW from the DEF Tiger Bay Cogen. facility, Mosaic Fertilizer, LLC, and Estech, Inc.;
- Conservation buffer, reclamation, and ACOE mitigation areas, including N-11A, N-13, N-9B, Tiger Bay East & West, and SA-10.
- Barcola-Fort Meade 230 kV transmission line
- Natural Gas Pipeline
- Reclaim Water Pipeline

C. 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.

D. Within 60 days after completion of construction of the electrical power plant as defined by Section 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 labelled as the "Site Delineation Map" and attached hereto as part of Attachment A.

E. The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation Map in Attachment A. The notification shall be accompanied by an updated survey map or legal description and aerial photograph delineating the new boundaries of the site for review by the Department. Such changes may constitute a modification and may require additional land use and zoning reviews by the local government. If a modification is required, it will be processed pursuant to Section 403.516, F.S.

F. 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 acceptable documentation identifying the certified and non-certified facilities within the site such as an aerial photograph. Certified facilities identified within the site shall include both the certified electrical power plant's generating and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be labelled as the "Certified Facilities Identification Map" and attached hereto as part of Attachment A.

G. Within 120 days after completion of construction of any certified 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 site boundaries for each off-site non-linear facility. The survey map or other documents shall be labelled as "Delineation of the Boundaries of the Certified Off-Site Non-linear Facilities" and attached hereto as part of Attachment A.

H. Within 180 days after completion of construction of any new off-site linear associated facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph or map at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map signed by a professional land surveyor, delineating the boundaries of the certified area for the linear associated 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.

I. 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, the Licensee shall submit an updated aerial photograph, map, survey map, or legal description.

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

II. APPLICABLE DEPARTMENT RULES Moved with revisions from Section A. Condition II. Applicable Department Rules

The construction, operation and maintenance of the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Codes, 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:

Florida Administrative Codes:

18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Florida Aquatic Preserves)
18-21 (Sovereignty 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)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-303 (Identification of Impaired Surface Waters)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Ground Water 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)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facilities 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)
62-701 (Solid Waste Management Facilities)
62-709 (Criteria for Organics Processing and Recycling Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (The 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)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Cleanup Criteria)
62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES Moved with revisions from Section A. Condition 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 this 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; Rule 62-4.160(10), F.A.C.]

IV. DEFINITIONS Moved with revisions from Section A. Condition IV. Definitions

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. 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 used herein, the following shall apply.

A. "Application" or "SCA" as defined in Section 403.503(6), F.S. For purposes of this license, "Application" shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. "Associated Facility" or "associated facilities" as defined by Section 403.503(7), F.S.

C. "Certified Facility" or "certified Facilities" means the certified electrical power generation facilities and all on- or off-site associated facilities and structures identified/described in the Application, in the Final Order of Certification, or in a post-certification amendment or modification.

D. "DEO" means the Florida Department of Economic Opportunity.

E. "DEM" shall mean the Florida Division of Emergency Management.

F. "DEP" or "Department" means the Florida Department of Environmental Protection.

G. "DHR" means the Florida Department of State, Division of Historical Resources.

H. "DOT" means the Florida Department of Transportation.

I. "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.

J. "EPC" means Hillsborough County Environmental Protection Commission

K. "Feasible" or "Practicable" means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

L. "FWC" means the Florida Fish and Wildlife Conservation Commission.

M. "IWW" means Industrial Wastewater as defined by DEP.

N. "Licensee" means an applicant that has obtained a certification order for the subject project; for this certification – Duke Energy Florida.

O. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

P. "Right-of-Way" or "ROW" is defined in Section 403.503(27), F.S.

R. "Site" as defined in Section 403.503(28).

S. "State Water Quality Standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Rules 62-302 and 62-520, F.A.C.

T. "Surface Water Management System" or "System" means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

U. "SWD" means the DEP Southwest district.

V. "SWFWMD" means the Southwest Florida Water Management District.

W. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS Moved with revisions from Section A. Condition V. Federally Delegated or Approved Permit

Subject to the conditions set forth herein, this certification shall constitute 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 the proposed electrical power plant, except for the issuance of Department Licenses required under any federally delegated or approved permit program. This Certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

[Sections 403.5055, 403.508(8), and 403.511(1), F.S.]

VI. DESIGN AND PERFORMANCE CRITERIA Moved with revisions from Section A. Condition VII. Design and Performance Criteria

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Section 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.

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

VII. NOTIFICATION Moved with revisions from Section A. Condition VIII. Notification

A. If, for any reason, exclusive of those incidents required to be reported pursuant to Conditions XXXIV.B, XXV.C., and XXXVI.A and B., the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall provide the appropriate DEP District and/or Branch Office 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 recurrence of the noncompliance. The Licensee 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 certification.

3. All notifications which are made in writing shall additionally be provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

[Rule 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the SCO in writing (email acceptable) of any previously submitted information concerning the certified facility that is later discovered to be inaccurate.

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

C. Any owner or operator of a facility who has knowledge of any incident reportable to the State Watch Office regarding a certified facility shall notify the State Watch Office at (800) 320-0519 as soon as possible, but not later than 24 hours after discovery of the incident.

D. Any owner or operator of a facility who has knowledge of any reportable pollution release shall submit a Public Notice of Pollution by following the instructions at https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest, as soon as possible, but not later than 24 hours after discovery of the release.

[Section 403.077, F.S.]

E. Within 60 days after certification of any associated linear facility the Licensee shall file, a notice of the certified route with the Department's clerk – Office of General Counsel 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 that the certification of the corridor will result in the acquisition of rights-of-way within the corridor.

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

Replaced Section A. Condition IX. Replacement for Restoration of System Integrity

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind, or following an emergency as defined by Sections 252.34(4), (7), (8), or (10), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facility(ies). Such notification does not release the Licensee from any liability for failure to comply with Department rules. 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.

[Rule 62-4.130, F.A.C.]

IX. CONSTRUCTION PRACTICES

Moved with revisions from Section A. Condition X. 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.

[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.]

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 3.18 of the 2017 Florida DOT *Utility Accommodation Manual* available on the DOT website (https://www.fdot.gov/programmanagement/utilities/default.shtm) shall serve as guidelines for best management practices.

D. 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.]

E. Electric and Magnetic Fields (EMF)

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

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

F. 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 Rule 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

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

G. 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.]

H. Odors

The Licensee shall employ proper odor-control techniques to minimize odor emissions, and to prevent nuisance conditions on adjoining property

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

I. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department.

[Rule 62-6.0101, F.A.C.]

X. RIGHT OF ENTRY Moved from Section A. Condition XI. 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. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the SCA or in any report to the Department or other agencies, such facts or information shall be promptly corrected and submitted.

[Rules 62-4.160(7)(a) and Rule62-4.160(15), F.A.C.]

XI. DISPUTE RESOLUTION Moved from Section A. Condition XII. 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 shall 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.

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

XII. SEVERABILITY Moved from Section A. Condition XIII. 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 Moved from Section A. Condition XIV. 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.

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, and 403.514, F.S.; Rules 62-4.160(1) and 62-4.160(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION Moved to Section A. Condition XV. 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, F.S, or for violations of any of these Conditions. This certification is valid only for the specific processes and operations identified in the SCA, or approved in the final order of certification, indicated in

the testimony and exhibits in support of certification, indicated in a post-certification submittal, 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.; Rule 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE Moved from Section A. Condition XVI. 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.

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

XVI. CIVIL AND CRIMINAL LIABILITY Moved from Section A. Condition XVII. 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.]

XVII. USE OF STATE LANDS Moved from Section A. Condition XVIII. 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 F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Submerged Lands* 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 Section 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and Rules 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 Moved from Section A. Condition XIX. 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 party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES Moved from Section A. Condition XX. 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 5500
2600 Blair Stone Road.
Tallahassee, FL 32399-3900
SCO@dep.state.fl.us

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Economic Opportunity
Bureau of Community Planning and Growth
107 East Madison Street
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Conservation Planning Services
620 South Meridian Street
Tallahassee, FL 32399-1600
ConservationPlanningServices@myfwc.com

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, FL 34604-6899

Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250
compliancepermits@dos.myflorida.com

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

[Section 403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION New

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of amendment requests, petitions for modifications, post certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

[Rule 62-4.050, F.A.C.]

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS Moved from Section A. Condition XXI. 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 certified facility and the construction and maintenance of the certified facility. 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. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SCO, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the certified facility name, PA#, and the Condition number(s) (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the certified facility affected and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[Rule 62-17.191(1)(c)2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification 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 compliance with these Conditions has been provided. Failure of DEP to conduct an interagency meeting or 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 timeframes for review established by these Conditions. At DEP's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

DEP shall give written notification within 90 days, to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination of whether there is demonstration of compliance with these Conditions. If it is determined that compliance with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, Licensee 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 in accordance with the post-certification process specified in this Condition.

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

XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY
Moved from Section A. Condition XXII. 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 when due-dates for the information required of the Licensee have been 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, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal

Requirements 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.; Rule 62-17.191(3), F.A.C.]

XXIII. POST CERTIFICATION AMENDMENTS Moved to Section A. Condition XXIII. 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]

XXIV. MODIFICATION OF CERTIFICATION Moved from Section A. Condition XXIV. 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 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, attached hereto as part of Attachment A (Maps), may be considered a modification if land use consistency has not been determined, and 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.

[Sections 120.569(2)(n), 403.511(5)(a), and 403.516, F.S.; Rule 62-17.211, F.A.C.]

XXV. COASTAL ZONE CONSISTENCY Moved from Section A. Condition XXVI. 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.]

XXVI. WATER QUALITY CERTIFICATION New

Pursuant to the Operating Agreement between the Department, United States Army Corps of Engineers (USACE) and water management districts, the written final order granting certification under the Florida Electrical Power Plant Siting Act, sections 403.501-.518, F.S., also constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act, 33 U.S.C.

[2012 Operating Agreement, Jacksonville District USACOE, DEP and Water Management Districts, Section II.A.1.(f)]

XXVII. TRANSFER OF CERTIFICATION Moved from Section A. Condition XXVIII. 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 and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all the Conditions of Certification as well as applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a

Section 120.57, F.S., administrative hearing. Upon approval, DEP 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, DEP will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

[Rule 62-17.211, F.A.C]

XXVIII. LABORATORIES AND QUALITY ASSURANCE Moved from Section A. Condition XXIX. 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.

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

XXIX. ENVIRONMENTAL RESOURCES Moved from Section A. Condition XXX. 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 *Application for Individual and Conceptual Approval Environmental Resource Permit* (ERP), DEP Form 62-330.060(1), F.A.C. or other applicable ERP authorization form. A copy of the submittal shall also be provided to the SCO.

This form may: a) have been submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, 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 Chapter 62-330, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.511, F.S., a separate ERP is not required for certified facilities, and therefore, a separate ERP will not be issued.

Those forms submitted as part of a SCA, 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 certification, modification, or amendment and prior to construction) shall be processed in accordance with General Condition A.XXI. Procedures for Post-Certification Submittals. Post-

certification submittal information may be submitted for discrete portions of the Certified Facilities for a determination of compliance with these Conditions of Certification.

No construction shall commence on a Project feature, or in a particular segment for a linear facility, until the Department has determined that there is a demonstration of compliance with these Conditions. For post-certification submittal reviews, the Department's determination is governed by Section A. Condition XXI. Procedures for Post-Certification Submittals.

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a., above, the Licensee shall submit, as applicable, 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. Available DEP-approved wetland and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Section 373.416, F.S.; Chapters 62-330 and 62-340, F.A.C.]

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(1)(a), F.S.]

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

[Sections 373.421 and, 403.504, F.S.]

4. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measure shall be installed landward of all protected wetlands and other surface waters and shall be properly "trenched" etc. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into wetlands and other surface waters.

[Chapter 62-330, F.A.C.]

B. Surface Water Management

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.A.C. following submittal of Form 62-330.060(1), F.A.C., 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 Application and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in

Attachment B. Any alteration or modification to the SWMS Plan or the surface water management system as certified shall require prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction, and for the period of time after construction of the SWMS, 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 exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location 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, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 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*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to 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 ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or SCA including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the SWMS.

5. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (http://www.flrules.org/Gateway/reference.asp?No=Ref-02505) incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in Rule 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

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 the portion of the certified facility being 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 and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). 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 Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. The operation phase of any new SWMS 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.

10. The DEP District must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities.

[Section 373.414, F.S.; Chapters 62-302, 62-330, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the ERP review process pursuant to paragraph A.1 above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition subparagraph A.1.a. [Environmental Resources] 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, monitoring plans, and remedial actions (if applicable), and shall be incorporated into these Conditions as Attachment C (Wetland Mitigation Plans/Conservation Easement).

[Sections 373.413, 373.414, 373.4145, 403.511, 403.531, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340 62-342, and 62-345, F.A.C.]

XXX. THIRD PARTY IMPACTS Moved from Section A. Condition XXXI. 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.

[Sections 403.506(1) and 403.524(1), F.S.]

XXXI. FACILITY OPERATION Moved from Section A. Condition XXXII. 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.

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

XXXII. RECORDS MAINTAINED AT THE FACILITY Moved from Section A. Condition XXXIII. Records Maintained at the Facility

A. These Conditions or a copy thereof shall be kept at the site.

B. The Licensee shall hold 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 shall be retained at least three (3) years 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.

[Rules 62-4.160(12) and 62-4.160(14)(b), F.A.C

XXXIII. WATER DISCHARGES Moved from Section A. Condition XXXIV. Water Discharges; Replaced Section B. Condition I. Department of Environmental Protection, paragraph C. Surface 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.

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, 62-550, and 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), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in Rule 62-4.242(2-3), 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, 62-620, and 62-621, F.A.C.]

B. Wastewater Incident Reporting

The Licensee shall report to the Department 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 times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; clean up actions taken and status; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. For noncompliance events related to sanitary sewer overflows, bypass events, or unauthorized discharges, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (e.g., sanitary sewer overflow, bypass, unauthorized discharge); type of sanitary sewer overflow structure (e.g., manhole); the discharge location address and latitude/longitude; type of water discharged; discharge volumes and volumes recovered; volume discharged to surface waters and receiving waterbody name; types of human health and environmental impacts of the sanitary sewer overflow, bypass event, or unauthorized discharge (e.g., beach closure); whether the noncompliance was caused by a third party; and whether the noncompliance was related to wet weather. The written submission may be provided electronically using the Department's Business Portal at http://www.fldepportal.com/go/ (via "Submit" followed by "Report" or "Registration/Notification"). Notice required for public notice of pollution under paragraph (d) may be provided together with the written submission using the Business Portal. All noncompliance events related to sanitary sewer overflows or bypass events submitted after (September 14, 2021), shall be submitted electronically.

1. The following shall be included as information which must be reported within 24 hours under this condition:

a. Any unanticipated bypass which causes any reclaimed water or the 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, except for discharges to ground water of reclaimed water meeting Part III or Part V treatment standards under Chapter 62-610, F.A.C.

2. Oral reports as required by this subsection shall be provided as follows:

a. For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph 1.d. above, 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 WATCH OFFICE toll free number (800)320-0519, as soon as practicable, 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 Watch Office:

(1) Name, address, and telephone number of person reporting,

(2) Name, address, and telephone number of Licensee or responsible person for the discharge,

(3) Date and time of the discharge and status of discharge (ongoing or ceased),

(4) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater),

(5) Estimated amount of the discharge,

(6) Location or address of the discharge,

(7) Source and cause of the discharge,

(8) Whether the discharge was contained on-site, and cleanup actions taken to date,

(9) Description of area affected by the discharge, including name of water body affected, if any; and,

(10) Other persons or agencies contacted.

b. Oral reports, not otherwise required to be provided pursuant to subparagraph 2.a., above, shall be provided to the Department within 24 hours from the time the Licensee becomes aware of the circumstances.

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.

4. In accordance with Section 403.077, F.S., unauthorized releases or spills reportable to the State Watch Office pursuant to subparagraph 2.a. above shall also be reported to the Department within 24 hours from the time the Licensee becomes aware of the discharge. The Licensee shall provide to the Department information reported to the State Watch Office. Notice of unauthorized releases or spills may be provided to the Department through the Department's Public Notice of Pollution web page at https://floridadep.gov/pollutionnotice or by reporting electronically using the Department's Business Portal at http://www.fldepportal.com/go/ (via

"Submit" followed by "Report" or "Registration/Notification").

a. If, after providing notice pursuant to paragraph (d) above, the Licensee determines that a reportable unauthorized release or spill did not occur or that an amendment to the notice is warranted, the Licensee may submit a letter to the Department documenting such determination at pollution.notice@floridadep.gov.

b. If, after providing notice pursuant to paragraph 4. above, the Licensee discovers that a reportable unauthorized release or spill has migrated outside the property boundaries of the installation, the Licensee must provide an additional notice to the Department that the release has migrated outside the property boundaries within 24 hours after its discovery of the migration outside of the property boundaries.

5. Unless discharged to surface waters, a spill, release, discharge, upset or bypass involving reclaimed water meeting Part III or Part V treatment standards under Chapter 62-610, F.A.C., shall not be considered to endanger health or the environment and shall be reported under subsection (21) of Rule 62-610, F.A.C..

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

C. Bypass Provisions

1. Bypass is prohibited, and the Department may take enforcement action against a Licensee for bypass, unless the Licensee affirmatively demonstrates that:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

b. 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,

c. The Licensee submitted notices as required under Condition XXXIV. Water Discharges, paragraph C.2.

2. 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 Condition XXXIV. Water Discharges, paragraph B, above. 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.

3. The Department shall approve an anticipated bypass, after considering its adverse effect, if the Licensee demonstrates that it will meet the three conditions listed in Condition XXXIV. Water Discharges, paragraph C.1., above.

4. A Licensee 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 provision of Condition XXXIV. Water Discharges, paragraph C.1., above.

[Chapter 403, F.S.; Rule 62-620.610(22), F.A.C.]

D. Upset Provisions

1. A Licensee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the Licensee can identify the cause(s) of the upset,

b. The certified facility was at the time being properly operated,

c. The License submitted notice of the upset as required in Condition XXXIV. Water Discharges, paragraph B.; and,

d. The Licensee complied with any remedial measures required.

2. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the Licensee.

3. 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.

[Chapter 403, F.S.; Rule 62-620.610(23), F.A.C.]

XXXIV. SOLID AND HAZARDOUS WASTE Moved from Section A. Condition XXXV. Solid and Hazardous Waste

A. Solid Waste

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

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

B. Hazardous Waste, Used Oil, Petroleum Contact Water, and Spent Mercury

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

The Licensee shall comply with all applicable provisions of Chapter 62-740, F.A.C., for any petroleum contact water located within the Certified Facility.

[Chapters 62-710, 62-730, 62-737, and 62-740, 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 WATCH OFFICE, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. 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 public by submitting a Public Notice of Pollution, https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest, as soon as possible, but not later than 24 hours after discovery of the release.

3. 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.

4. 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.]

D. Contaminated Site Cleanup

The Licensee shall comply with all applicable provisions of 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.]

XXXV. STORAGE TANK SYSTEMS Moved from Section A. Condition XXXVI. 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 applicable requirements of 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 to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements

Notification of any condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), within 72 hours of discovery or before the close of the County's next business day.

B. Discharge Reporting Requirements

Notification of the discovery of a discharge of a regulated substance shall be made to the county in writing or electronic format on Form 62-761.900(1), Discharge Report

Form (DRF) within 24 hours of the discovery or before the close of the County's next business day, unless the discovery is a non-petroleum, de minimis discharge referenced in Rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in Rule 62-780.580(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of Chapter 62-780, F.A.C.

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. The Licensee 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 62-780, 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.

[Chapters 62-761, 62-762, and 62-780, F.A.C.]

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Groundwater Monitoring *Moved from Section B. Condition I. Department of Environmental Protection, paragraph G.*

1. The Licensee shall comply with the requirements of the approved DEF-Hines Energy Complex Groundwater Construction, Operation and Monitoring Requirements (GWCOMR) – Attachment D to these Conditions. A violation of the requirements of the GWCOMR shall be a violation of these Conditions.

The Licensee shall abide by the Conditions of the approved site wide GWCOMR and any subsequent revision thereof for the continued authorized discharge of industrial wastewater to ground water. Such provisions shall be fully enforceable as Conditions of this Certification. Any violation of such provisions shall be a violation of these Conditions.

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

(1) monitoring well construction requirements;

(2) updated aerial showing all monitoring wells (existing and new);

(3) a description of the complete IWW system including IWW treatment systems, and monitoring wells;

(4) parameters to be sampled at each monitoring well;

(5) monitoring frequencies; and

(6) 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), 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. At a minimum, projects which involve any one of the following shall be reviewed by the Department for a determination on whether a modification to these Conditions will be required and if a modification is required, it shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C., as applicable.

(1) New major sources or deletion of existing major sources of wastewater;

(2) 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;

(3) Other projects that cause or may cause changes to the quantity and/or quality of discharges to groundwater as a result of solid waste disposal or industrial wastewater treatment. or

(4) Pollutants not addressed in the GWMR or these Conditions;

(5) Applications for a new Water Quality Criteria exemption pursuant to Rule 62-520.500 F.A.C.

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 SCO. Review shall be in accordance with General Condition A.XXI. Procedures for Post-Certification Submittals, unless it is determined by the DEP to be a modification or an amendment. 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) which may be applicable to potential permitted surface water discharges at the Hines Energy Complex. Once a TMDL has been established and adopted by rule, the Department shall revise, if applicable, 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 the consolidated site boundary, shall be horizontally located 100 feet from the disposal site boundary and as defined by the locations and depths of compliance wells

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

3. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., shall be met within the zone of discharge.

[Rules 62-520.400 and 62-520.420(4), F.A.C.]

4. If the concentration for any constituent listed in Table 2 of Attachment D (GWCOMR), 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.

[Rule 62-520.420(2)]

5. 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.

6. Monitoring requirements under these Conditions are effective on the first day of the second month following the issuance of Modification J. 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), part of Attachment D, 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 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

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
Compliance Assurance Program
Industrial Wastewater Program
Southwest District Office
13051 N. Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

Phone Number - (813) 470-5700
FAX Number - (813) 470-5996
email: swd_iw@floridadep.gov

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.

[Rule 62-620.610(18), F.A.C.]

If the facility elects to sign up for eDMR, please visit the following website for additional information and application forms:

https://floridadep.gov/water/water-compliance-assurance/content/getting-started-ezdmrFor additional information on wastewater electronic reporting, please contact the eDMR Administrator by email at EzDMRAdmin@dep.state.fl.us or by phone at (850) 245-8567.

[Rules 62-620.610(18) and 62-600.680(1)), F.A.C.]

7. The licensee shall comply with all other applicable, non-procedural requirements found in Chapter 62-620.610 (1-23), F.A.C., as these relate to operation of the Hines Energy Complex industrial wastewater collection and treatment facilities.

B. Water Quality Criteria Exemption New

1. The Licensee has been granted a water quality exemption for total dissolved solids (TDS) under Rule 62-520.500, F.A.C. from the primary drinking water standard for TDS as established in Table 1 of Rule 62-550.310, F.A.C.

a. As required by Rule 62-520.500(1), the Licensee has affirmatively demonstrated the following:

(i) Granting the exemption is clearly in the public interest;

(ii) Compliance with such criteria is unnecessary for the protection of present and future potable water supplies;

(iii) Granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water

(iv) The economic, environmental, and social costs of compliance with the criteria outweigh the economic, environmental and social benefits of compliance

(v) An adequate monitoring program approved by the Department is established to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect on underground geologic formations or waters; and,

(vi) The Hines IWW discharge to ground water shall not present a danger to the public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

b. The ground water quality criteria exemption for TDS is granted for a duration of five (5) years from the date Modification J to the Hines Conditions of Certification becomes effective (expiration is July 2027). Any future exemptions must be petitioned for by the applicant through the Siting Coordination Office as a modification to the Conditions of Certification pursuant to the Power Plant Siting Act, Section 403.516(1)(c), F.S. The exemption extends only to the ground water elements of the Hines Site Certification License PA92-33. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

c. The exemption provides relief only from the total dissolved solids standard contained in Rule 62-550.310, F.A.C. as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., are in effect as applicable to this facility.

d. The Licensee shall monitor ground water quality in accordance with the GWCOMR (Attachment D).

2. In order for the Licensee to seek Conditions of Certification applying any water quality criteria different from those promulgated in rule, in addition to that described in B. 1. above, the following procedure shall be followed:

a. The Licensee must file a petition for modification with the DEP SCO including the alternate compliance level and demonstrations listed in Rule 62-520.500, F.A.C.

b. The SCO will coordinate review by the affected DEP Division/District office under the procedures for modification set forth in Section 403.516, F.A.C.

c. The SCO shall issue a Notice of Intent and draft Final Order granting the petition, denying the petition, or granting the petition in part and modifying the Conditions of Certification accordingly. The Department will provide public notice of its intended action/s in the Florida Administrative Registrar (FAR) along with an opportunity for an administrative hearing under Sections 120.569 and 130.57, F.S. The petitioner shall, on or about the same time that notice is published in the FAR, publish this same notice in a newspaper of general circulation in the area affected.

3. The Licensee shall submit a new request for each alternate compliance level of a water quality standard and provide documentation to support the requested alternative compliance level(s) every 5 years from the time of original approval.

[Rules 62-520.500, and 62-500.510, F.A.C.]

C. Industrial Wastewater Moved from Section B. Condition I. Department of Environmental Protection, paragraph F.

1. No industrial wastewater treatment unit shall be constructed or operated without prior Department approval either through the process of a SCA, modification or an amendment.

2. Cooling Pond Design

The Licensee shall ensure that the design and construction of the pond's dams be in accordance with best engineering practices and at least of similar stability as those required under the provisions of Chapter 62-672, F.A.C.

3. Vegetative Cover

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

4. Brine Pond

To ensure that the brine pond will not be a source of pollution to ground and surface water, the following site-specific standards shall apply:

a. General

The brine pond shall be designed, constructed, operated, maintained, closed and monitored in accordance with the SCA and these Conditions of Certification.

b. Site-Specific Standards

(1) There shall be no discharge of wastewater from the brine pond to surface waters of the state.

(2) Groundwater monitoring for the brine pond will be performed in accordance with the applicable Conditions included in Attachment D (GWCOMR) of this Certification. If the groundwater monitoring data collected in accordance with these Conditions indicates an exceedance of applicable groundwater standards at the boundary of the zone of discharge due to operation of the brine pond, the Licensee will consult with FDEP to formulate a mutually agreed upon corrective action plan. If the corrective action plan requires dewatering and construction work in the SA-9 brine pond, the Licensee will be allowed to transfer the brine from SA-9 to a suitable impoundment, and discharge brine to the temporary storage area for a period sufficient to perform the construction in SA-9. The selection of a suitable temporary storage facility and the establishment of the implementation schedule for any required corrective action will be by mutual agreement of FDEP and the Licensee.

(3) A seepage collection ditch will be constructed along the west dam of SA-9 to prevent any discharge of seepage to off-site surface waters via the FDOT roadside swale along S.R. 555. The seepage ditch will extend from the northwest corner of SA-9 to the southwest corner, where it will connect to the plant island drainage swale which was constructed during the earthworks phase of the facility construction. The seepage collection ditch will be graded to direct any surface seepage, either natural or as a result of operation of SA-9, to the plant drainage system.

(4) No RCRA hazardous waste as defined by 40 C.F.R. B 261.3 shall be deposited in the brine pond.

(5) Ground water monitoring for the brine pond will be performed in accordance with the Attachment D (Groundwater Construction, Operation, and Monitoring Requirements) of these Conditions.

(6) The Licensee shall continue to maintain an operation plan that provides written instructions for the daily operation and weekly inspection of the brine evaporation pond. The plan shall be kept at the facility and shall be accessible to the operators. The plan shall be revised and submitted to DEP for review and approval if operational procedures change.

5. Inspection of Dams

a. Inspection of the dams shall be conducted annually by an 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.)

b. The Licensee shall continue to maintain a detailed dam inspection program plan previously approved by the.

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

6. Management of Waste Oil

The Licensee shall manage, use and dispose of all waste oil collected from the oil/water separator in accordance with all applicable state and federal rules.

7. Non-Hazardous Low Volume Liquid Wastes

Non-Hazardous low volume liquid wastestreams, some of which may have high solids content, will be directed either to the cooling pond or to the brine pond. Low volume wastestreams, pursuant to the federal definition found in 40 CFR Part 423.11, include, but are not limited to, water pretreatment filter backwash, reverse osmosis (R.O.) reject, water treatment system cleaning wastes, boiler blowdown, laboratory and sampling streams, floor drains, treated water (service water), incidental leaks and spills from the power blocks and associated ancillary structures, discharges from power block sumps, and discharge from oil/water separators.

8. Chemical and Biocide Wastes

a. Chemical cleaning wastes resulting from the acid cleaning wash and successive rinses may either be collected and characterized individually to determine if they are hazardous wastes or commingled prior to characterization to determine if the mixture is a hazardous waste. Based on the analytical results, the wastes will be handled in accordance with applicable state or federal rules and the Conditions of Certification, either on site in the brine pond, on site in the cooling pond, or off site, as appropriate. Chemical boiler cleaning wastes will be routed to the neutralization basin or to neutralization tanks for hazardous waste characterization. The mixture will then be neutralized, and the residual wastes disposed of appropriately. Any residual non-hazardous wastewaters resulting from onsite treatment may either be disposed of in onsite impoundments or shipped off site for disposal. Any hazardous wastes not neutralized or otherwise treated on site will be transported off site by a licensed hazardous waste disposal contractor for appropriate treatment and disposal at a licensed hazardous waste facility.

b. If hazardous wastes are treated on site in tanks or containers regulated under 40 CFR 262.34, the Licensee will comply with applicable waste analysis plan and notification requirements under 40 CFR 268.7(a)(4) and 268.9(d). Boiler cleaning wastes treated in a wastewater treatment unit as defined in 40 CFR 260.10 are not subject to these requirements.

D. Drinking Water Facilities ***Moved from Section B. Condition I. Department of Environmental Protection, paragraph E.***

Any new or modified component of the potable water supply system shall be designed, staffed and operated in conformance with applicable Chapters of 62-550, 62-555, 62-560, 62-602, and 62-699, F.A.C. Information as required in Chapter 62-555, F.A.C, shall be submitted to the Polk Department of Health prior to construction and operation of any new or modified components of the system. The operator of the potable water supply system shall be certified in accordance with Chapter 62-602, F.A.C.

[Chapters 62-550, 62-555, 62-560, 62-602, and 62-699, F.A.C.]

E. Domestic Wastewater Treatment ***Moved from Section B. Condition I. Department of Environmental Protection, paragraph D.***

1. Operation of an existing 0.010 MGD Annual Average Daily Flow (AADF), extended aeration domestic wastewater treatment plant consisting of aeration, secondary clarification and chlorination with: one (1) aeration basin totaling 10,000 gallons, one

(1) clarifier of 2,500 gallons with a surface loading rate of 200 gallons per day per square foot, one (1) chlorine contact tank of 260 gallons and one (1) digestor of 3,000 gallons. This plant is operated to provide secondary treatment with basic disinfection.

2. Land Application: An existing zero-discharge cooling water recirculation impoundment (R-001) of approximately 1,200 surface acres. R-00l is located approximately at latitude 27° 47' 15" N, longitude 81° 52' 21" W.

The limitations, monitoring, and other requirements are set forth in the following conditions.

a. Reuse and Land Application Systems

(1) During the period beginning on the issue date of Modification I, the Licensee is authorized to direct reclaimed water to Reuse System R-001. Such reclaimed water shall be limited and monitored by the licensee as specified below and reported in accordance with condition 2.b.(8) below:

			Reclaimed Water Limitations				**Monitoring Requirements**			
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow, to R-001	MGD	Maximum	0.010	Report	-	-	5 Days/Week	Flow meter and totalizer	FLW-01	See Cond.I.A.3
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
Solids, Total Suspended	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
pH	SU	Range	-	-	-	6.0 to 8.5	5 Days/Week	Grab	EFA-01	
Coliform, Fecal	#/100ML	Maximum	200	-	-	800	Monthly	Grab	EFA-01	See Cond.I.A.4
Total Chlorine Residual (For Disinfection)	MG/L	Minimum	-	-	-	0.5	5 Days/Week	Grab	EFA-01	See Cond.I.A.5
Nitrogen, Nitrate, Total (as N)	MG/L	Maximum	-	-	-	12.0	Monthly	Grab	EFA-01	

(2) Reclaimed water samples shall be taken at the monitoring site locations listed and described below:

Monitoring Location	Description of Monitoring Location
EFA-01	Effluent sampling point after treatment and prior to Reuse system R-001.
FLW-01	Flow meter and totalizer located at V –notch weir in the chlorine contact chamber.

(3) A flow meter shall be utilized to measure flow and calibrated at least annually.

[Rule 62-600.200(25), F.A.C.]

(4) The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample.

[Rules 62-610.510 and 62-600.440(5)(a), F.A.C.]

(5) A minimum of 0.5 mg/L total chlorine residual must be maintained for a minimum contact time of 15 minutes based on peak hourly flow.

[Rules 62-610.510 and 62-600.440(5)(c), F.A.C.]

b. Other Limitations and Monitoring and Reporting Requirements

(1) During the period beginning on the date of issuance of Modification P, the treatment facility shall be limited and monitored by the licensee as specified below and reported in accordance with condition 2.b.(8) below:

			Limitations				**Monitoring Requirements**			
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow, Total Plant	MGD	Maximum	0.010 AADF	Report	-	-	5 Days/Week	Flow meter and totalizer	FLW-01	See Cond.I.B.3, 5
Percent Capacity, (3MADF/Permitted Capacity) x 100	%	Maximum	-	Report	-	-	Monthly	Calculation	FLW-01	
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	-	Report	-	-	Annually[1]	Grab	INF-01	See Cond.I.B.4
Solids, Total Suspended	MG/L	Maximum	-	Report	-	-	Annually[1]	Grab	INF-01	See Cond.I.B.4

* The annual sample shall be taken in the month of February.

(2) Samples shall be taken at the monitoring site locations listed and described below:

Monitoring Location	Description of Monitoring Location
FLW-01	Flow meter and totalizer located at V –notch weir in the chlorine contact chamber.

Monitoring Location	Description of Monitoring Location
INF-01	Influent sampling point prior to treatment and ahead of the return activated sludge line.

(3) The annual average daily flow to the treatment plant shall not exceed 0.010 MGD.

(4) Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters.

[Rule 62-600.660(4)(a), F.A.C.]

(5) A flow meter shall be utilized to measure flow and calibrated at least annually.

[Rule 62-600.200(25), F.A.C.]

(6) Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. All monitoring shall be representative of the monitored activity.

[Rule 62-620.610(18), F.A.C.]

(7) The Licensee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by these Conditions.

[Rule 62-600.650(2), F.A.C.]

(8) Monitoring requirements under these Conditions are effective on the first day of the second month following the issuance of Modification I. Until such time, the Licensee shall continue to monitor and report in accordance with previously effective domestic wastewater requirements of Modification H. 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. Unless specified otherwise in this modification, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month – last day of month	28th day of following month
Quarterly	January 1 - March 31 April 1 – June 30	April 28 July 28

	July 1 – September 30 October 1 – December 31	October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	March 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The licensee may submit either paper or electronic DMR forms. If submitting paper forms, the licensee shall utilize exact format 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's Southwest District Office at the address specified below by the twenty-eighth (28th) of the month following the month of operation.

Copies to:
Florida Department of Environmental Protection
Domestic Wastewater Program
Southwest District Office
13051 N. Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926
Email – swd_dw@floridadep.gov

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 competed 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.

If the facility elects to sign up for eDMR, please visit the following website for additional information and application forms: https://floridadep.gov/water/water-compliance-assurance/content/getting-started-ezdmr

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

[Rules 62-620.610(18) and 62-600.680(1), F.A.C.]

(9) Unless specified otherwise in these Conditions, all reports and other information required by the Conditions under this Section, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below with electronic copies to the Siting Office:

Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
Phone Number - 813-470-5700
FAX Number - 813-632-7662
Email – swd_dw@floridadep.gov

3. Residual Management Requirements

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

Transportation of the residuals to an alternative RMF requires a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the residuals.

[Rule 62-620.320(6), 62-640.880(1), F.A.C.]

b. The Licensee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals.

[Rule 62-640.300(5), F.A.C.]

c. The Licensee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility has an agreement in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application.

[Rule 62-640.880(1) (b), F.A.C.]

d. Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C.

[Rule 62-640.100(6)(b)&(c), F.A.C.]

e. If the Licensee intends to accept residuals from other facilities, a COC amendment is required pursuant to Rule 62-640.880(2)(d), F.A.C.

[Rule 62-640.880(2)(d), F.A.C.]

f. The Licensee shall keep hauling records to track the transport of residuals between facilities. The hauling records shall contain the following information:

Required of Source Facility	Required of RMF
1. Date and Time Shipped	1. Date and Time Received
2. Amount of Residuals Shipped	2. Amount of Residuals Received
3. Degree of Treatment (if applicable)	3. Name and ID Number of Source Facility
4. Name and ID Number of Residuals Management Facility or Treatment Facility	4. Signature of Hauler
5. Signature of Responsible Party at Source Facility	5. Signature of Responsible Party at Residuals Management Facility or Treatment Facility
6. Signature of Hauler and Name of Hauling Firm	

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The RMF licensee shall report to the

Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility.

[Rule 62-640.880(4), F.A.C.]

4. Additional Reuse and Land Application Requirements- Rapid Rate Land Application System (R-001)

a. All ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally 100 feet from the application site or to the facility's property line, whichever is less, and vertically to the base of the surficial aquifer.

[Rules 62-520.200(23), 62-522.400 and 62-522.410, F.A.C.]

b. Advisory signs shall be posted around the site boundaries to designate the nature of the project area.

[Rule 62-610.518, F.A.C.]

e. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required.

[Rules 62-610.414(8), F.A.C.]

5. Operation and Maintenance Requirements

a. During the period of operation, the Hines Energy Complex domestic wastewater facilities shall be operated under the supervision of an operator certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

b. A Class D or higher operator for 3 nonconsecutive days/week for 1½ hour/week. The lead operator must be a Class D operator, or higher.

[Rules 62-620.630(3), 62-699.310 and 62-610.462, F.A.C.]

c. An operator meeting the lead operator classification level of the plant shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of the plant shall be performed by the licensee or his representative or agent 5 days per week. On those days when the facility is not staffed by a certified operator, the licensee shall ensure that Flow, pH, Total Chlorine Residual (For Disinfection) are monitored in accordance with applicable parts of this section.

[Rule 62-699.311(1), (6) &(10) F.A.C.]

d. The Licensee shall maintain the following records and make them available for inspection on the site of the permitted facility:

(1) A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;

(2) A copy of the facility record drawings;

(3) Copies of the licenses of the current certified operators; and

(4) Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[Rule 62-620.350, F.A.C.]

6. Other Specific Conditions

a. Florida water quality criteria and standards shall not be violated as a result of any discharge or land application of reclaimed water or residuals from this facility.

[Rules 62-610.850(1)(a) and (2)(a), F.A.C.]

b. The treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C.

[Rules 62-600.410(5) and 62-640.400(6), F.A.C.]

c. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction and conveyance of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited, except as provided by Rule 62-610.472, F.A.C.

[Rule 62-604.130(3), F.A.C.]

d. Collection/transmission system overflows shall be reported to the Department in accordance with Chapter 62-620.200(20) F.A.C.

e. The operating authority of a collection/transmission system and the licensee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pre-treatment or which contain materials or pollutants other than normal domestic wastewater constituents:

(1) Which may cause fire or explosion hazards; or

(2) Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or

(3) Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or

(4) Which result in the wastewater temperature at the introduction of the treatment plant exceeding 40oC or otherwise inhibiting treatment: or

(5) Which result in the presence of toxic gases, vapors, or fumes that may cause worker health and safety problems.

[Rule 62-604.130(54), F.A.C.]

f. The treatment facility, storage ponds, rapid infiltration basins, and/or infiltration trenches shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons.

[Rules 62-610.518(1) and 62-600.400(2)(b), F.A.C.]

g. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit.

[Rule 62-701.300(1)(a), F.A.C.]

h. 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, wastewater residuals (sludges), or reclaimed water. 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.

[Rule 62-4.070(3), F.A.C.]

i. The Licensee shall provide adequate notice to the Department of the following:

(1) Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and

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

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

[Rule 62-620.625(2), F.A.C.]

7. General Conditions

The Licensee shall comply with all the applicable, non-procedural requirements found in Chapter 62-620.610 (1-23) F.A.C. as these relate to operation of the Hines Energy Complex domestic wastewater collection and treatment facilities.

[Rule 62-620.610, F.A.C.]

F. Solid Waste Storage and Disposal Moved from Section B. Condition I. Department of Environmental Protection, paragraph I.

1. General

The solid waste disposal areas (SWDAs) shall be designed, constructed, operated maintained, closed and monitored in accordance with acceptable waste disposal practices providing environmental protection equivalent to those described in Chapter 62-701, F.A.C. and these Conditions of Certification. The prohibitions of Chapter 62-701, F.A.C. shall not be violated.

a. All engineering plans, reports, and related information shall be approved by the engineer of record with professional certification and shall be approved by the Department's 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 Solid Waste Section prior to operation of each solid waste disposal area.

b. The facility shall have a comprehensive operation plan that provides written, detailed instructions for the daily operation of the solid waste disposal areas. 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 SA-8 solid waste disposal area and shall be submitted for approval to the Solid Waste Section prior to operation of the solid waste disposal area.

c. 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.

d. 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 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.

e. A trained supervisor 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 solid waste disposal area or failure of any portion of the related systems, the Department's SWD and Solid Waste Section shall receive notification in accordance with General Condition A.VII. Notification.

g. The groundwater monitoring for the solid waste disposal areas is incorporated into the Facility Groundwater Monitoring Plan as described in Section B. Condition I. DEP. A. [Groundwater Monitoring] of these Conditions, and Attachment D (GWCOMR). As new solid waste disposal areas are put into use, a revision to the Facility Groundwater Monitoring Plan shall be submitted by the Licensee to the SWD and Solid Waste Section for review and approval as well as to monitor the new disposal areas.

h. If groundwater concentrations significantly above both the background concentration and the applicable groundwater standard due to Solid Waste Disposal Area leachate are detected and verified by appropriate resampling, the Licensee shall submit a contamination assessment plan to the Department's SWD within 150 days of knowledge of exceedance. The contamination plan shall provide a detailed plan for evaluating the vertical and horizontal extent of affected soils and groundwater.

i. The on-site burial of fish resulting from unforeseen fish kills within the site cooling pond shall be allowed in the upland area of SA-8 following review and approval of a specific construction, operation and monitoring plan submitted to the Department

in advance of construction and operation of such a fish burial facility. No other solid wastes are allowed to be buried with dead fish.

2. Site Specific Standards - Coal Gasification Slag

a. The SWDA clay liner system shall provide protection equivalent to a composite or double liner system in accordance with these Conditions.

b. The SWDA shall have a leachate collection system. Leachate collection system piping shall be established in perimeter areas near the impoundment dams such that a minimum 10-foot clay thickness exists between the collector ditch and the impoundment dam contiguous with the waste clay underlying the collector ditch. If insufficient clay thickness exists, a synthetic 60 mil HDPE liner shall be installed in localized areas of insufficient clay thickness to prevent seepage outside of the liner system.

c. At least two years prior to disposal in SWDA, the Licensee shall commence consolidation of the clays in such area in the manner described in the SCA and sufficiency responses.

d. At least six months prior to disposal in SWDA, the Licensee shall conduct test probings in the SWDA to determine the thickness of the consolidated clay. The clay probings shall be conducted as follows:

i. Clay probings will be performed on approximately 50-foot centers where the consolidated clay covers overburden piles and approximately 150-foot centers between overburden piles. Locations of overburden piles will be determined initially from post-mining aerial photography and visual observation and confirmed by probing.

ii. Based on the results of the clay probings, a contour map will be developed which shows the thickness of the consolidated clay over the surface of each proposed SWDA.

e. If the clay thickness is less than a minimum of ten (10) feet in any interior area away from the perimeter dams, restoration of the clay liner shall be made. Restoration shall consist of placing additional clay in the deficient area to achieve a ten-foot clay thickness or placing a 60 mil synthetic HDPE liner patch over the deficient area where the clay is less than 10 feet thick. The patch shall be keyed into the clay around the perimeter of the deficient area to prevent seepage beneath the synthetic liner.

f. The liner systems shall have a quality assurance plan equivalent to that for a composite or double liner system approved by the Department's SWSSWD prior to construction. Soil and /or synthetic liner construction quality assurance shall include a quality control plan, specifying performance criteria for the liner, testing procedures and sampling frequencies.

h. The Licensee is responsible for leachate level monitoring, sampling, analysis of the land fill leachate, and for providing copies of the leachate analysis to the Department's SWD and Solid Waste Section. The Licensee 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.

i. Closure shall be equivalent to lined landfill closures and shall include a barrier layer. Installation of a barrier layer shall include pumping down of the leachate head above the clay liner using a system of well points installed in depressed areas of the disposal area. Well points shall be installed to the top of the clay liner and pumped to lower leachate head levels to less than 4 feet. The well point system shall remain as a dedicated installation upon closure of the areas and shall remain accessible for future pumping if leachate heads exceeding 4 feet redevelop after closure, or if leachate quality exceeds ground water standards.

j. In the event the Licensee proposes to change the method of closing the solid waste disposal areas required by Condition I.2.i above, the Department may require financial assurance in a manner equivalent to the requirements of Rule 62-701.630, F.A.C.

3. Site Specific Standards - Water Treatment Wastes

Water treatment plant sludge shall be separated from the gasifier slag in a separate solid waste disposal area. The sludge disposal area shall be provided with a minimum two-foot sand or equivalent drainage blanket. Prior to use of the SWDA for disposal of coal gas slag, leachate from the sludge disposal area will drain to the remaining area within the SA-8 impoundment. This leachate will be allowed to drain from the perimeter of the sand blanket and to commingle with surface water within the remainder of the impoundment as part of the water crop for the cooling pond. After development of the remainder of the SWDA for disposal of coal slag, leachate from the sludge disposal area will be collected in the perimeter leachate collection system for disposal or transfer to the cooling pond, as appropriate.

4. Additional Information Requirements

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 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 Solid Waste Section of the DEP prior to operation of each SWDA.

5. Processing Additional Information

The Licensee shall send all appropriate submittals to both the Solid Waste Section and the SWD of the DEP to the following addresses:

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

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

G. Hazardous Catalyst Handling Moved from Section B. Condition I. Department of Environmental Protection, paragraph H.

At least 120 days before bringing a hazardous catalyst onsite, the Licensee shall provide a plan for handling and disposing of new and spent hazardous catalysts to the DEP Southwest District Office.

H. Conservation Easement Moved from Section B. Condition I. Department of Environmental Protection, paragraph K.

A conservation buffer area has been established incorporating former mining parcels N-11A, N-9B and N-13. A conservation easement agreement between the State of Florida and Florida Power Corp., and its successor companies, executed in May 2002, as provided in Attachment C (Mitigation Plans & Conservation Easements), shall be maintained.

I. Construction of Linear Facilities Moved from Section B. Condition I. Department of Environmental Protection, paragraph J.

1. Right of Way Selection Procedures

a. Prior to finalization of any ROW locations, three copies of blue-line reproductions of the aerial photographs taken within the last year prior to submittal shall be submitted to DEP. The photographic reproductions shall delineate and show the corridor at a scale of 1"= 400' with wetland locations generally identified, and shall show the certified corridor, designated ROWs, structure locations and access road locations. In addition, the Licensee shall note on the aerial photographs new development in the corridors. The Licensee shall notify all parties of such filing. This information may be submitted in segments. The agencies receiving copies of the aerial photographs from the Licensee shall have 30 days from receipt of the photographs to review the photographs and to notify DEP 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.

b. After review of the aerial photographs and comments from the other reviewing agencies, if DEP has reason to believe that the proposed construction within the Licensee's designated ROW cannot be accomplished in compliance with the Conditions of Certification, the Licensee shall be so notified in writing within 30 days from receipt of the aerial photographs. Such notice shall specify with particularity the basis for DEP s conclusion, and possible corrective measures shall be suggested. If such notice is provided, the Licensee may relocate the ROW within the certified corridor to address the specified concern, or the Licensee may proceed with design of the natural gas pipeline, reclaimed water pipeline, or transmission line on the noticed ROW at its own risk that construction can be accomplished in compliance with the Conditions of Certification.

2. Pipeline and Transmission Line Construction Activities

Prior to construction, the Licensee shall submit to DEP for review 8-1/2" x 11" plan view and cross-section drawings showing all dredge and fill, structure placement and wetland clearing necessary to construct the natural gas pipeline, reclaimed water pipeline and transmission lines. The drawings shall include the dimensions and elevations of all the structures and show the areas to be cleared to the ground and restrictively cleared.

3. Natural Gas Pipeline Location

To minimize the impacts of the natural gas pipeline to the South Prong of the Alafia River the pipeline shall cross the river immediately adjacent to the south side of Jameson Road.

4. Off-Site Impacts

It is the responsibility of the Licensee to ensure that adverse off-site water resource related impacts do not occur during construction. All wetland areas or water bodies that are outside of the specific limits of construction authorized by this certification shall be protected from erosion, siltation, scouring or excess turbidity, and dewatering. The Licensee shall prevent adverse off-site water resource related impacts during construction through the compaction of fill, the use of hay bales or turbidity screens, or by any other method acceptable to DEP. In determining the acceptability of other methods of control, DEP shall consult with SWFWMD. Off-site discharges during construction and development shall not violate state water quality standards.

5. Erosion/Runoff Control

a. The Licensee shall compact or otherwise stabilize any fill material placed around newly installed structures to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

b. Grass seed and mulch or sod must be installed and maintained on exposed slopes within 48 hours of completing final grade, and at any other time as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state.

c. The Licensee shall take additional measures when necessary to prevent turbid discharges in violation of state water quality standards and to minimize off-site damage associated with erosion or turbidity. These measures may include but are not limited to the installation of turbidity barriers at all locations where the possibility of transferring suspended solids into the receiving water body exists due to the proposed construction. Turbidity barriers must be maintained in effective condition at all locations until construction is completed and disturbed soil areas are stabilized. The Licensee shall be responsible for implementing measures to address any sedimentation, turbidity, erosion or shoaling problems that result from the construction, operation or maintenance of the works authorized under this certification. After fill material has been stabilized, the Licensee will be responsible for the removal of the barriers.

6. Transmission Line Wetlands Clearing

The Licensee shall use only restrictive clearing practices during construction and maintenance of the Barcola-Fort Meade 230 kV transmission line where it crosses wetlands. Restrictive clearing, as used in this Condition, is the cutting and removal of vegetation from the wetland by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These-methods may be used alone or in combination, as may be appropriate for specific sites. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 20 feet on each side of the outer conductors and in work areas approximately 100 feet by 150 feet around structure sites. Also, in areas where the Licensee may need to create access to particular structure sites via finger roads rather than a continuous access road, a path approximately 20 to 25 feet wide may be cleared to reach the site from an existing access road. If necessary, the work area around the structure and the access areas may be destumped.

Removable construction matting may be used in these areas to support equipment. The stumps shall not be removed in the portion of the ROW outside of the work area and the access areas. The remainder of the ROW in wetland areas, beyond 20 feet on either side of the outer conductors, shall not be cleared to the ground; however, these areas may be restrictively cleared in that vegetation that has an expected mature height greater than 14 feet may be removed. All cut vegetation shall be removed from the restrictively cleared areas by hand if practicable. All invasive exotic species listed in Attachment E (Vegetation Planting Plan & Exotic Species List) shall be removed from the ROW. Herbicides shall not be applied to the cut stumps of native tree species during the initial clearing.

7. Mitigation for Wetland Impacts

Construction of the transmission line in the corridor shown in the SCA using the construction methods described in the SCA will not have wetland impacts that would require mitigation. However, if the corridor is modified new corridors proposed, or construction techniques other than the ones described in the original SCA are proposed, a reevaluation of the need for mitigation for any additional wetland impacts will be necessary. The Licensee shall provide mitigation as necessary to offset the wetland loss and habitat degradation resulting from the construction of the pipelines associated with this project. Prior to construction, the Licensee shall propose a mitigation plan, if necessary, and shall provide the following information to the Southwest District Office's Environmental Resource Permitting Section to allow DEP to review the proposed mitigation plan including:

a. detailed description of each wetland impact area;

b. acreage of the type and quality of wetland being impacted at each site;

c. narrative, drawing and aerial photographs showing and explaining the proposed mitigation;

d. detailed description of the existing conditions at the mitigation area;

e. acreage of the total proposed mitigation area, broken down by acreage of each mitigation type and wetland type; and

f. documentation providing-reasonable assurance that the proposed mitigation will be successful.

If the mitigation submittal is deemed by DEP to provide insufficient information for review, additional information requested by DEP shall be submitted. If DEP, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the wetland loss and habitat degradation from this project, the Licensee shall propose additional mitigation. If the proposed mitigation plan is deemed acceptable by DEP, DEP shall establish construction conditions, success criteria and a monitoring plan to be carried out for the approved mitigation. These conditions, criteria and monitoring plan shall be incorporated into the Conditions as Attachment C (Mitigation Plans & Conservation Easements).

No construction within wetland areas in the pipeline ROWs shall commence until DEP approves a mitigation plan, and mitigation construction conditions, success criteria and a monitoring plan. As approved, such plans and conditions shall be implemented.

J. Surface Water Management ***Moved from Section B. Condition I. Department of Environmental Protection, paragraph M.***

1. The DEF Hines Energy Complex site, excluding the buffer area, the associated linear facilities, and the offsite area (Estech plant site) proposed for water quantity mitigation purposes will operate as a zero-discharge facility. All surface water or stormwater falling within the site boundaries, excluding the buffer areas and associated offsite areas will be contained within the Hines Energy Complex site and not discharged offsite except as specifically authorized by these Conditions. However, the Conditions of Certification apply to the surface water systems both on site and for those areas constructed in association with the facility that are located offsite. Final project information, construction plans, and other information illustrating the surface water management system and stormwater treatment facilities for the project shall be submitted to the DEP for review prior to construction of any such systems or facilities in accordance with Section A. General Conditions. XXIX. Environmental Resources and XXII. Procedures for Post Certification Submittals.

2. Off-site discharge of surface water during construction and development shall be made only through the facilities authorized by this certification. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the DEP.

3. Within 60 days of issuance of the Final Order for Modification J, a detailed diagram and elevation map of cooling pond and adjacent wetlands, including stormwater flow, shall be submitted to the Southwest District, with a copy to the Siting Coordination Office.

[Rule 62-330.054, F.A.C.]

K. Triangle Lakes ***New***

Any discharges from the site storage ponds or wastewater treatment system via any emergency overflow structure which result from any event LESS than a 25-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet State Water Quality Standards, Chapter 62- 302, F.A.C. There shall be no discharge of wastewater to the surface waters of the State except for non-contact stormwater as authorized by this Certification. For purposes of this condition, treated wastewater diverted for reuse from Mosaic Green Bay Outfall D-001 in accordance with the requirements of DEP Permit No. FL0000752, to the Hines Energy Complex for makeup cooling water, shall not be considered industrial wastewater.

[Chapters 62-302 and 62-620, F.A.C.]

L. Odors

The Licensee shall employ proper odor-control techniques to minimize odor emissions, and to prevent nuisance conditions on adjoining property

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

II. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT **Moved from Section B. Condition II. Southwest Florida Water Management District**

A. Water Use Regulation Conditions

Existing Facilities

SWFWMD ID No.	DEF ID No.	Surface Diameter	Casing Depth	Total Depth
1	P-1	20	335	834
2	P-2	20	370	760
6	P-6	4	200	300
153	P-1 FMW	8	330	780
21	AR-21 (TW-1)	20	315	614

1. If any of the statements in the application and in the supporting data are found to be untrue and/or inaccurate, or if the Licensee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, F.A.C., or the Conditions set forth herein, the Southwest Florida Water Management District (SWFWMD) shall initiate action for suspension or revocation of Certification.

2. This Certification is issued based on information provided by the Licensee 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 it is determined by SWFWMD that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, SWFWMD shall initiate action for suspension or revocation of Certification.

3. The Licensee shall not deviate from any of the water use related terms or Conditions of Certification without written approval by SWFWMD.

4. In the event SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., SWFWMD shall initiate any required action to alter, modify, or declare inactive all or parts of this Certification as necessary to address the water shortage.

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

6. SWFWMD shall initiate any necessary action to require the Licensee to cease or reduce withdrawal if water levels in aquifers fall below the minimum levels established by the Governing Board.

7. 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 Governing Board adopts specific conservation requirements for the Licensee's water use classification, SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

8. SWFWMD may establish special regulations for permits within the regions designated a Water Use Caution Area (WUCA). If SWFWMD has established, or establishes in the future, a WUCA for the region that encompasses this certificate, at such time as the Governing Board adopts such special regulations, SWFWMD shall initiate any required action to make the Licensee subject to them upon notice and after a reasonable period for compliance.

9. The Licensee shall mitigate, to the satisfaction of SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, SWFWMD shall require the Licensee to mitigate the impacts. Adverse impacts include, but are not limited to:

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 any aquifer or water body.

10. The Licensee shall mitigate to the satisfaction of SWFWMD any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, SWFWMD shall require the Licensee 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.

11. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

12. The Licensee must notify SWFWMD within 30 days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.

13. All reports required by the certificate shall be submitted to SWFWMD on or before the tenth day of the second month following data collection and shall be addressed to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 Highway 301 North
Tampa, Florida 33637-6759

Unless submitted online or otherwise indicated in the specific Condition, three copies of each plan or report, with the exception of pumpage, rainfall, water level or water quality data which require one copy, are required.

14. The water balance for ultimate site capacity (approximately 3,000 MW of generating capacity) at DEF's Hines Energy Complex demonstrates a requirement of 23.6 MGD from offsite and Upper Floridan aquifer sources for process, cooling, domestic and sanitary purposes.

a. The Licensee shall obtain 6.1 MGD of this amount from a combination of treated wastewater effluent from the City of Bartow's Douglas H. Allen Reclaimed Water Facility and other offsite nonpotable sources of water. To the extent that the Licensee obtains more than 6.1 MGD through reuse of treated wastewater effluent from offsite

sources, the excess amount shall serve to reduce the use of 17.5 MGD of water from the Upper Floridan aquifer which is authorized by Condition A.14b below.

b. The Licensee is authorized to withdraw from the Upper Floridan aquifer and use for process, cooling, domestic and sanitary purposes, in support of ultimate site capacity at its Hines Energy Complex, an amount of water not to exceed 17.5 MGD, subject to the following conditions:

(1). Except as approved by SWFWMD under circumstances constituting an emergency, or per an interim water supply shortage as defined in SWFWMD Specific Condition B.II.A.26, no process or cooling water shall be withdrawn from the Upper Floridan aquifer in support of the first 1,000 MW of generating capacity. The Licensee is authorized to withdraw up to 19,000 gpd Annual Average Daily and 35,000 gpd Peak Month Daily from the Upper Floridan aquifer for domestic and sanitary purposes for the life of the facility from SWFWMD ID No. 6, DEF ID No. P-6. The Licensee is authorized to withdraw up to 317,000 gpd Annual Average Daily and 475,000 gpd Peak Month Daily from the Upper Floridan aquifer as the source water to the reverse osmosis system from SWFWMD ID No. 153, DEF ID No. P-1 FMW. 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, industrial wastewater from the DEF Tiger Bay Cogen Facility; treated industrial wastewater from the adjacent Mosaic Fertilizer, LLC – Green Bay and Hookers Prairie facilities; stormwater transfer from the adjacent Estech, Inc. Agricola site; and treated wastewater (reclaimed water) from the Douglas H. Allen Water Reclamation Facility of the City of Bartow or other reuse sources.

(2). The total quantity of water that the Licensee is authorized to withdraw from the Upper Floridan aquifer shall be limited to 17.5 MGD Annual Average Daily, which amount is determined by SWFWMD not to have an adverse effect on other legal existing users provided, however, that withdrawal for process or cooling purposes of any water from the Upper Floridan aquifer shall be subject to the following additional Conditions, which shall be applied during review pursuant to Section 403.517, F.S., of any supplemental application for the construction and operation of a further increment of generating capacity at the Hines Energy Complex :

i. The Licensee 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 Southern Water Use Caution Area (SWUCA) of SWFWMD, 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 the Licensee 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.

ii. To the extent that maximum total groundwater use in the SWUCA is fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for DEF's Hines Energy Complex, withdrawal by the Licensee from that source of any quantity greater than 5 MGD AADF, which amount is determined not to have an adverse effect on regional water resources, must be either:

1) Offset by mandatory retirement of permitted quantities which are actively used within the SWUCA, to the extent such quantities are eligible to provide offset, pursuant to agreements between the Licensee and other Permittees which are subject to review by SWFWMD for conformity with generally applicable standards; or

2) Offset through recharge and subsequent withdrawal of water pursuant to the Aquifer Recharge and Recovery Project described in SWFWMD Specific Condition B.II.A.21; or

3) Approved as a "competing application" under the applicable standards of Section 373.233, F.S.

iii. To the extent that maximum total groundwater use in the SWUCA is not fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for DEF's Hines Energy Complex, the Licensee may withdraw from that source up to 17.5 MGD subject to the requirements of SWFWMD Specific Conditions B.II.A.14.a., 14.b.(2).i., and 14.b.(2).ii.1), but not subject to those of Condition B.II.A.14.b.(2).ii.2).

(3) The Licensee's current development schedule for ultimate site capacity at the Hines Energy Complex estimates incremental additions of generating capacity at an approximate average rate of 500 MW (range of 450 to 550 MW) every four years for the period 1998 through 2018, both inclusive, for a total of approximately 3,000 MW. The following additional requirements shall apply in order to ensure that the Licensee's actual water needs are accurately reflected within SWFWMD Specific Condition B.II.A and do not unnecessarily deprive other users of groundwater:

i. In each supplemental application for the construction and operation of a further increment of generating capacity at the Hines Energy Complex, the Licensee shall indicate (i) whether it has determined not to install any prior or subsequent increment of generating capacity, (ii) the basis for delay in the installation of any increment of generating capacity for more than 5 years beyond the estimated schedule, and (iii) the quantity of groundwater from the Upper Floridan aquifer which any such increment of capacity that has been eliminated or delayed would have required.

ii. If the Licensee has determined not to install any increment of generating capacity or in the absence of a reasonable basis for a delay greater than 5

years, the quantity of groundwater which the Licensee is authorized to withdraw from the Upper Floridan aquifer in support of ultimate site capacity may be reduced accordingly.

c. On-site rainwater and stormwater capture and use, reuse of internal wastewater streams, reuse of available treated wastewater sources, and use of other sources (excluding the Upper Floridan aquifer and intermediate aquifers) of nonpotable water shall constitute reasonable and beneficial uses of water; as such uses are set forth in the SCA and approved in the site certification process, and are hereby authorized as required in support of ultimate capacity at DEF's Hines Energy Complex ; provided, however, that use or reuse of nonpotable water shall be deemed unreasonable if it will result in degradation of cooling pond water quality below the levels proposed by the Licensee in support of the ultimate site capacity certification or any water quality standard made applicable by federal or state law.

15. The Licensee shall continue to investigate the feasibility of using reclaimed water and/or other alternative water supply sources as a water source and submit a report to SWFWMD describing the feasibility no later than March 31, 2005, and every two years thereafter. The Licensee shall also submit an alternative water supply feasibility report to SWFWMD in connection with each subsequent application submitted pursuant to SWFWMD Specific Condition B.II.A.14, except when such application is filed within six months of submittal of the last biennial feasibility report required by this Condition. If the subsequent application is submitted within six months of submittal of the last biennial feasibility report required by this Condition, the application shall reference the previous feasibility report and provide any updates of alternative water supply feasibility. All feasibility reports the Licensee submits shall contain an analysis of alternative water supply sources, including, but not limited to, reclaimed water sources, for the area, including the relative location of these sources to the Licensee's property, the quantity of alternative water supplies available, the projected date(s) of availability, costs associated with obtaining these alternative supplies, an explanation of the Licensee's efforts to obtain such water, names of individuals the Licensee has contacted at each alternative water supply provider, a description of any impediments to obtaining that water and the Licensee's efforts to overcome those impediments, and a schedule for implementation, if feasible. Infeasibility to obtain alternative water supply sources shall be supported with a detailed explanation.

16. The Licensee shall meter all groundwater withdrawals from ground water resources. Meter readings from each withdrawal shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for which the data is being submitted. The Licensee 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 SWFWMD. If a metered withdrawal is not utilized during a given month, the report shall be submitted to SWFWMD indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered as applicable:

a. The Licensee shall install meters on SWFWMD ID Nos. 3, 4, and 5, DEF ID Nos., P-3, P-4, and P-5, within 90 days of completion of construction of the withdrawal.

b. The Licensee shall install a meter on SWFWMD ID No. 153, DEF ID No. P-1 FMW, within 90 days of completion of construction of the withdrawal and associated surface appurtenances.

c. The Licensee shall continue to maintain and operate existing, non-resettable, totalizing flow meters or other flow measuring devices as approved by the Water Use Permit Bureau on SWFWMD ID Nos. 1, 2, and 6, DEF ID Nos. P-1, P-2, and P-6.

d. The meters shall adhere to the following requirements and shall be installed or maintained as follows:

(1) The meters shall be non-resettable, totalizing flow meter(s). If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau.

(2) Meters shall be installed on all stand-by withdrawal facilities prior to activation.

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

(4) The meters shall either be tested for accuracy on-site, as installed, every five (5) years beginning from the date of installation unless the Licensee demonstrates to the satisfaction of SWFWMD that a longer period of time for testing is warranted, or alternatively, the meter may be replaced with a factory calibrated or re-calibrated meter. If testing is performed as the means of ensuring accuracy of in-service metering, the test shall be performed by a person certified in the equipment used. If the actual flow is found to vary greater than 5% from the measured flow, the Licensee shall have the meter re-calibrated 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 using SWFWMD Form LEG R.021.01 (04/09).

(5) The meters shall be installed in a straight length of pipe where there is a least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length equal to ten (10) times the diameter upstream available, flow straightening vanes shall be used in the line.

(6) If the meter or other flow measuring device has malfunctioned or has to be removed from the withdrawal for maintenance or repair, the Licensee shall notify SWFWMD within 30 days of discovering the necessity to replace or repair the meter and shall replace it with a repaired or new meter, subject to the same specifications as provided herein, within 30 days of its removal from the withdrawal.

(7) When the meter has malfunctioned or has been removed the withdrawal, the Licensee shall request instruction on how to estimate use from the Water Use Permit Bureau. The estimate of the number of gallons used each month during that period shall be submitted according to the instructions received from SWFWMD.

(8) In the event a new meter is installed to replace a broken meter, the new meter and its installation shall meet the specifications of this Condition. The Licensee shall notify SWFWMD of the replacement with the first submittal of meter readings from the new meter.

17. Water quality samples shall be collected and analyzed, for the parameters, and frequency specified below. Water quality samples from the production well 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 laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64-E-1, F.A.C., "Certification of Environmental Laboratories". 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 Water Use Permit Bureau. Reports of the analyses shall be submitted to the Water Use Permit Bureau (using SWFWMD forms) on or before the tenth day of the second month following data collection 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 Water Use Permit Bureau, as necessary to ensure the protection of the resource.

SWFWMD ID No.	DEF ID No.	Minimum Pumping Time (minutes)	Parameter	Sampling Frequency
1	P-1	30	Chlorides, Sulfates, Total Dissolved Solids (TDS)	Feb., May, Aug. & Nov.

Water quality samples shall be collected based on the following timetable:

Quarterly Same week of months specified

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 (AQHA-AWWA-WPCF) or Methods of Chemical Analyses for Water and Wastes by the U.S. Environmental Protection Agency (EPA).

18. The Licensee shall maintain a continuous recording rain gauge at Latitude 27° 48' 42.5" N and Longitude 81° 52' 16.4" W, SWFWMD ID No. 154, DEF ID No. RGCP. Total daily rainfall shall be recorded at this station and submitted to the Water Use Permit Bureau on SWFWMD forms on or before the tenth day of the following month. The reporting period for each report shall begin on the first day of each month and end on the last day of each month.

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

20. The Licensee shall construct the proposed 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 depth is an estimate, based on best available information, of the depth 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.

Proposed Facilities

SWFWMD ID No.	DEF ID No.	Surface Diameter	Minimum Casing Depth	Estimated Total Depth
3	P-3	20 in.	300 ft.	880 ft.
4	P-4	20 in.	300 ft.	880 ft.
5	P-5	20 in.	300 ft.	880 ft.
22	AR-2	24 in.	300 ft.	880 ft.
23	AR-3	24 in.	300 ft.	880 ft.
24	AR-4	24 in.	300 ft.	880 ft.
25	AR-5	24 in.	300 ft.	880 ft.
26	AR-6	24 in.	300 ft.	880 ft.

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

b. All well casing (including liners and submit a report to the depth specified above.

c. The proposed well(s) 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.

d. 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.

e. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau.

f. Advance approval from the Water Use Permit Bureau is necessary should the Licensee propose to change the well location or casing diameter.

21. The Licensee is authorized to develop a new water resource through the construction of an Aquifer Recharge and Recovery Project on the Hines Energy Complex site (Hines ARRP) that treats surface water and wastewater and injects or recharges that water, subject to FDEP approval, into the Upper Floridan aquifer, which will be used to store and convey this water for subsequent withdrawal and use. The Hines ARRP shall be operated to offset future groundwater withdrawals as provided in SWFWMD Specific Condition B.I.A.14.b.(2).ii. The Hines ARRP shall be developed pursuant to the following criteria:

a. Captured rainwater, reclaimed domestic wastewater effluent, treated industrial waste discharges from the Tiger Bay Cogen Facility, treated IWW from alternative water supply projects, and water from the Hines Energy Complex cooling pond, treated to applicable groundwater quality standards for recharge to the Floridan aquifer, may be used for injection into the Upper Floridan aquifer.

b. Existing on-site areas at the Hines Energy Complex may be used as water reservoirs and treatment areas, subject to FDEP approval, for the ARRP.

c. On-site recharge wells shall be constructed in accordance with applicable regulatory standards.

d. Withdrawal amounts from the new water resource developed through the Hines ARRP shall be as follows:

(1) Withdrawals from the Upper Floridan aquifer as offsets generated by the Hines ARRP shall be limited to 85 percent of the total amount of water recharged through the Hines ARRP, as of the date of withdrawal, shall not exceed the rate authorized in SWFWMD Specific Condition B.II.A.14.b., and shall be operated in a manner that results in no adverse impact to off-site existing legal users; and

(2) If the results of the approved aquifer performance test (APT) make it necessary to submit new groundwater models and the new models show adverse impacts at the rate authorized in SWFWMD Specific Condition B.II.A.14.b, the authorized rate shall be reduced accordingly.

e. The Licensee shall annually submit an ARRP Performance Report which will contain, but shall not be limited to, the following:

(1) An account of the cumulative water quantities recharged through the recharge well(s) and the cumulative quantities of water produced through the production wells confirming, based on the monthly injections and pumpage reports, that the cumulative injection/pumpage quantities balance is such that injection exceeds pumpage by no less than 15% at any point in time during the ARRP operation; and

(2) A narrative and analysis of the overall performance of the ARRP, addressing strengths, weaknesses, problems, and future plans with time frames for improvement.

22. The Licensee shall continue to maintain SWFWMD-approved staff gauge(s) and report measurements of water levels, as indicated in the table below. Water levels shall be recorded and reported to the Water Use Permit Bureau (on SWFWMD forms) on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded as indicated in the table below. The frequency of recording may be modified by the Water Use Permit Bureau, as necessary to ensure the protection of the resource.

SWFWMD ID No.	DEF ID No.	Water Body/Wetland	Latitude/ Longitude	Recording Frequency
121	HSG-1	Cooling Pond	27o47’31”/81o52’03”	2 /mo.

122	SG-P-1	Rain Cropping Area	27°49’02”/81°54’39”	2 /mo.
123	SG-WC-1	Rain Cropping Area	27°49’30”/81°53’14”	2 /mo.
124*	SG-WC-2	Rain Cropping Area	27°47’33”/81°50’45”	2 /mo.
125	SG-WC-3	Rain Cropping Area	27°47’02”/81°51’54”	2 /mo.
126	SG-MC-1	Rain Cropping Area	27°46’52”/81°52’32”	2 /mo.
127	SG-CB-1	Rain Cropping Area	27°47’31”/81°50’13”	2 /mo.

Water Level Recording Timetable: 2nd and 4th weeks of the month during the same day each week.

* This location may be removed when this area is incorporated into the Cooling Pond.

23. The Licensee shall meter injections of water into the Upper Floridan aquifer, and meter readings from each injection well shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau (using SWFWMD scanning forms, unless SWFWMD has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered injection well is not utilized during a given month, the meter report shall be submitted to SWFWMD indicating the same meter reading as was submitted the previous month. The following injection wells shall be metered as applicable:

a. The Licensee shall install and maintain meters on SWFWMD ID Nos. 21, 22, 23, 24, 25, and 26, DEF ID Nos. AR-1, AR-2, AR-3, AR-4, AR-5, and AR-6, within 90 days of completion of construction of the injection well and associated injection equipment.

b. The meters shall adhere to the following requirements and shall be installed or maintained as follows:

(1) The meter(s) shall be non-resettable, totalizing flow meter(s). If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau.

(2) Meters shall be installed on all standby injection facilities prior to activation.

(3) The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

(4) The meter shall be tested for accuracy on-site, as installed, every five (5) years beginning from the date of issuance unless the Licensee demonstrates to the satisfaction of SWFWMD that a longer period of time for testing is warranted. The test shall be performed by a person certified in the equipment used. If the actual flow is found to vary greater

than 5% from the measured flow, the Licensee shall have the meter re-calibrated 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.

(5) The meter shall be installed in a straight length of pipe where there is a least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length equal to ten (10) times the diameter upstream available, flow straightening vanes shall be used in the line.

(6) If the meter or other flow measuring device malfunctions or has to be removed from the withdrawal for maintenance or repair, the Licensee shall notify SWFWMD within 30 days of discovering the necessity to replace or repair the meter and shall replace it with a repaired or new meter, subject to the same specifications as provided herein, within 30 days of its removal from the injection well.

(7) When the meter has malfunctioned or has been removed from the withdrawal, the Licensee shall request instruction on how to estimate use from the Water Use Permit Bureau. The estimate of the number of gallons injected each month during that period shall be submitted according to the instructions received from SWFWMD.

(8) In the event a new meter is installed to replace a broken meter, the new meter and its installation shall meet the specifications of this Condition. The Licensee shall notify SWFWMD of the replacement with the first submittal of meter readings from the new meter.

24. The Licensee shall record meter readings from each reuse line on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau (using SWFWMD scanning forms, unless SWFWMD has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered reuse line is not utilized during a given month, the meter report shall be submitted to SWFWMD indicating the same meter reading as was submitted the previous month. The following reuse lines shall be metered:

a. The Licensee shall record and report meter readings on existing reuse line, SWFWMD ID No. 52, DEF ID No. ATB-1. In metering and reporting the quantities conveyed through this line, The Licensee shall meter or estimate the amount of reuse water contributed by each of the following components: industrial wastewater from ALCOA; industrial wastewater from the Tiger Bay Cogeneration Facility; fresh groundwater for pipe flushing; and fresh groundwater for water supply shortage at the Hines Energy Complex. The Licensee shall submit two copies of the report, one for the Hines Energy Complex, and one for the Tiger Bay Cogeneration Facility.

If there is more than one episode of conveyance in one month for any of the flow components, the report should contain the corresponding information (meter readings, quantities, and dates, related to each episode in addition to the net quantities conveyed during the month for the each of the flow components.

b. The Licensee shall record and report meter readings on existing reuse line SWFWMD ID No. 51, DEF ID No. BED. The meter at the City of Bartow's Douglas H. Allen Reclaimed Water Facility used to monitor flows directed to the Hines Energy Complex is sufficient to meet this requirement.

c. The meters shall adhere to the following requirements and be maintained as follows:

(1) The meters shall be non-resettable, totalizing flow meter(s). If other measuring device(s) or other accounting methods are proposed, the Licensee shall submit documentation that the other measuring devices or accounting methods meet the stipulations listed in this Condition, prior to installation. Approval for other measuring devices or accounting methods shall be obtained in writing from the Water Use Permit Bureau.

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

(3) The meter shall be tested for accuracy on-site, as installed, every five (5) years beginning from the date of issuance, unless the Licensee submits documentation to the satisfaction of SWFWMD that a longer period of time for testing is warranted. The test shall be performed by a person certified to use the test equipment. If the actual flow is found to vary than 5% from the measured flow, the Licensee shall have the meter re-calibrated 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. If the alternative accounting method involves a meter belonging to another entity or to the reclaimed water supplier, the Licensee shall submit documentation from the owner/ supplier that the meter readings continue to be accurate to 5% of the actual flow as installed. Such documentation is subject to approval by SWFWMD.

(4) The meter shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (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.

(5) If the meter or other flow measuring device malfunctions or has to be removed from the reuse line for maintenance or repair, the Licensee shall notify SWFWMD within 30 days of discovering the necessity to replace or repair the meter, and shall replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of its removal from the reuse line.

(6) While the meter is off the reuse line, the Licensee shall request instructions on how to estimate use from the Water Use Permit Bureau. The estimate of the number of gallons used each month during that period shall be submitted according to the instructions received from SWFWMD.

(7) In the event a new meter is installed to replace a broken meter, the new meter and its installation shall meet the specifications of this Condition. The Licensee shall notify SWFWMD of the replacement with the first submittal of meter readings from the new meter.

25. The Licensee shall submit by April 1 of each year 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. Based on these reports, limits on groundwater pumpage into the Cooling

Pond in relation, but not limited, to precipitation and Cooling Pond water elevation levels may be adjusted or introduced by SWFWMD.

26. An interim water supply shortage as used in SWFWMD Specific Condition B.II.A.14.b., shall mean a shortage of previously authorized process and cooling water sources which results in the inability of the Licensee 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 the Licensee to prevent such lowering of water level by utilizing all previously authorized water sources to the greatest extent practicable, as identified in SWFWMD Specific Condition B.II.A.14.b.(2).i, the Licensee is authorized until November 30, 2005, unless an alternate date is agreed to by the District, to transfer Upper Floridan aquifer groundwater authorized to be used at DEF's Tiger Bay facility pursuant to PA 97-37 Conditions of Certification, to the Hines cooling pond, subject to the following:

a. The Licensee must notify SWFWMD Water Use Permit Bureau, in writing, that a water supply shortage has occurred or is expected to occur and that it intends to transfer Tiger Bay groundwater to the Hines cooling pond. This notification must be provided at least ten (10) days in advance of the actual transfer of Tiger Bay groundwater.

b. The Licensee must concurrently provide a copy of the notification to the FDEP, SCO.

c. The Licensee shall include in its notification documentation that all previously authorized sources of water, as identified in SWFWMD Specific Condition B.II.A.14.b.(2).i, are being used to the greatest extent practicable. Additionally, such notification shall include details on any water conservation measures which were being implemented in an effort to avoid a water supply shortage and which will be continued in order to reduce the amount of transferred withdrawals needed to alleviate the water supply shortage. The Licensee will account in its Tiger Bay monthly pumpage reports any groundwater quantities used for transfer to Hines to alleviate the interim water supply shortage.

d. The Licensee shall equip the water transfer pipeline from Tiger Bay to the Hines cooling pond with non-resettable totalizing flow meters, or other flow measuring devices as approved by SWFWMD Water Use Permit Bureau and shall monitor and record the amount of transferred groundwater used to alleviate the water supply shortage. The flow meter(s) shall comply with the content of SWFWMD Specific Condition B.II.A.16 and be capable of separately calculating transferred Tiger Bay groundwater from other sources of water or wastewater to be conveyed via the pipe to the Hines cooling pond. The reporting of the quantities thus measured shall be in accordance with SWFWMD Specific Condition B.II.A.24.a.

e. When the water level in the Hines cooling pond rises to an elevation of 158.5 feet NGVD, and the Licensee 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 the Licensee shall discontinue the use of transferred groundwater from Tiger Bay.

f. Within 30 days of cessation of groundwater transfers during a water supply shortage, the Licensee shall provide written notification to SWFWMD Water Use Permit Bureau of the cessation of these transfers. This notification shall provide the number of days that Tiger Bay groundwater was transferred to the Hines cooling pond and the total volume

of groundwater transferred. Additionally, this notification shall include a report, including tabulated data and a graph showing the rate at which water was supplied compared to the change occurring in the cooling pond level, through the entire duration of the groundwater transfer. The pond water level during a water shortage event shall be measured daily. The graphic report shall present these measurements for the entire duration of the water supply shortage.

g. 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 that facility. The monthly groundwater pumpage reports required to be submitted to SWFWMD per Condition XIV.D.4 (Groundwater Management) of the Siting Certification No. PA 97-36 of the Tiger Bay Cogeneration Facility 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.

h. The Licensee shall undertake diligent efforts to investigate and, if feasible, modify the Hines Energy Complex watercrop system or otherwise locate sources of water, other than potable groundwater, to eliminate or substantially reduce the need to transfer groundwater from the Tiger Bay facility. The Licensee's diligent efforts shall include, but not be limited to, investigating the feasibility of the following: modifying or making changes to the Hines Energy Complex's watercrop system to increase runoff or storage; transferring industrial wastewater from the Tiger Bay facility; obtaining industrial wastewater from US Agri-Chemicals Corporation (USAC), Mosaic Fertilizer, LLC, or Estech, Inc. to transfer to the Hines Energy Complex; increasing the amount of impervious surface at the Plant Island portion of the Hines Energy Complex to increase surface water runoff flows into the cooling pond; transferring industrial wastewater from the nearby ALCOA facility; withdrawing water from surface water sources; and locating and using other sources of reclaimed domestic wastewater and/or treated industrial wastewater.

i. As a water supply shortage contingency, the Licensee is authorized to transfer groundwater quantities from the Tiger Bay Cogeneration Facility to the Hines Energy Complex, not to exceed Tiger Bay’s total authorized groundwater withdrawal quantities as specified in Tiger Bay Cogeneration Facility Site Certification No. PA 97-37.

27. Within 90 days of construction of the withdrawal facility, the Licensee shall install and maintain a backflow prevention system on SWFWMD ID Nos. 1, 2, 3, 4, and 5, DEF ID Nos. P-1, P-2, P-3, P-4, and P-5.

28. Within 90 days of construction of the withdrawal facility, an automated flow control system shall be installed and maintained on the groundwater flow from SWFWMD ID Nos. 1, 2, 3, 4, and 5, DEF ID Nos. P-1, P-2, P-3, P-4, and P-5.

The automated flow control system (i.e., the automated shutoff device) shall be properly maintained at all times to control the wells' water flow into the Cooling Pond, such that no discharge into the pond would take place when the elevation in the Cooling Pond is at or above 160.0 feet NGVD.

29. The Licensee shall continue implementation of a measurement and monitoring plan for the existing on-site rainwater/IWW capture and reuse system (known as the watercrop system) approved by SWFWMD Specific Condition B.II.A.14.c. The watercrop

system measurement and monitoring plan is designed to obtain information that can be used to establish accurate estimates of water production yields from the watercrop system under various rainfall events and to determine flows leaving the site to supply natural systems (including runoff discharges from buffer areas). The Licensee shall submit an updated watercrop system measurement and monitoring plan within 60 days of implementing any new alternative water supply project used to augment cooling pond supplies via the watercrop storage areas.

By April 1 of each year, the Licensee shall submit an "Annual Water Crop System Report for the Hines Energy Complex" summarizing the data collected per the approved "Measurement and Monitoring Plan for the Water Crop System". The report shall document estimates of water production yields from the watercrop system under various rainfall eventsand estimates of flows leaving the site to supply natural systems (including runoff discharges from buffer areas). The report shall present an overall evaluation of the functioning of the system and recommendations for its improvement.

30. The Annual Average Daily (AAD) and Peak Month Daily (PMD) quantities for each of SWFWMD ID Nos. 1, 2, and 3, DEF's ID Nos. P-1, P-2, and P-3, shall be limited to an AAD quantity of 5,000,000 gallons per day (gpd) and a PMD quantity of 8,800,000 gpd. The Licensee may make adjustments in pumpage distribution as necessary up to the quantities indicated specifically for each withdrawal provided that the combined total quantities will not exceed 5,000,000 gpd on an AAD basis and 8,800,000 gpd on a PMD basis, as long as adverse environmental impacts do not result, and other Conditions of this Certification are complied with. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

31. The Licensee shall only utilize groundwater through the withdrawals SWFWMD ID Nos. 1, 2 and 3, DEF's ID Nos. P-1, P-2 and P-3, and only when the elevation of the water level in the Cooling Pond, as measured weekly at SWFWMD ID No. 121, DEF ID No. HSG-1, is below 160.00 feet NGVD. Minor withdrawals associated with routine pump maintenance and water quality sampling are exempt from this requirement.

32. For Power Blocks 1, 2, 3, and 4, the Licensee shall not utilize groundwater through SWFWMD ID Nos. 1, 2 and 3, DEF's ID Nos. P-1, P-2 and P-3, at the PMD rate of 8,800,000 gpd except when the elevation of the water level in the Cooling Pond, as weekly measured at SWFWMD ID No. 121, DEF ID No. HSG-1, is below 159.00 feet NGVD.

33. In the event that the Licensee exceeds during a drought year the Annual Average Daily (AAD) quantity of 5,019,000 gpd and the Peak Month Daily (PMD) quantity of 8,835,000 gpd from the onsite groundwater withdrawals after PB 3 and PB 4 become operational, the Licensee shall submit a report, subject to SWFWMD approval, the Conditions under which those quantities were exceeded. The Licensee shall not discharge any amount of groundwater into the Cooling Pond at the Hines Energy Complex when the water level in the Cooling Pond is at or above 160.0 feet NGVD. If the Licensee demonstrates that the recurrence of over-pumpage is unlikely and no adverse impacts have occurred, no action will be taken. If the Licensee continues to exceed the quantities permitted without obtaining a modification, SWFWMD may take appropriate enforcement action.

B. Surface Water Management

1. Any system alteration, including for augmentation into or withdrawal of water from the certified surface water management system, other than as specifically authorized

by this certification, will require additional SWFWMD certification consideration. The water level of detention ponds (not including the cooling pond, other industrial wastewater ponds or water crop areas) shall not be augmented by pumping or diversion of water into the ponds to artificially control their level above the design normal or beginning storage level.

2. All surface water management systems shall practice water conservation to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of off-site property. At such time in the future as the SWFWMD Governing Board establishes minimum water levels in aquifers or minimum rates of flow in streams, or otherwise adopts specific conservation criteria, the SWFWMD may initiate any necessary action to require the Licensee to undergo an alteration of the system to comply with such criteria upon notice by the SWFWMD and after a reasonable period for compliance.

3. The Licensee shall provide the SWFWMD with an evaluation of the potential for utilizing some of the increased mass flows anticipated in the cooling pond to offset groundwater withdrawal requirements. However, the amount of water diverted to the cooling pond shall not result in a mass flow discharge to either McCullough Creek or Camp Branch that is below 100 percent of the pre-mining condition mass flows for both the mean annual and the 25 year - 24 hour storm event. This information shall be submitted to the SWFWMD for review and approval prior to commencement of construction.

[Chapter 373, F.S., Chapter 40D, F.A.C.]

III. DEPARTMENT OF ECONOMIC OPPORTUNITY **Moved from Section B. Condition III. Department of Economic Opportunity**

A. Structures for the associated Barcola-Fort Meade 230 kV transmission line shall be designed to withstand hurricane force winds of 120 miles an hour. The lines shall be designed to de-energize if they come loose from the structures so that any lines that do fall to the ground will not be "live" and pose a hazard to the public.

B. The Licensee shall make all practicable efforts to market sulfur and slag by-products of coal gasification.

C. The office/administration buildings at the Hines Energy Complex shall be included in the Department of Economic Opportunity's Florida Radon Research Program (FRRP) and Construction Standards Development activities, specifically the FRRP Radon Proposed Standards Demonstration Study in Large Buildings. Additionally, the Licensee shall conduct a pre-construction, site-specific soil gas radon test in accordance with the FRRP protocol to identify the radon potential of the office/administration building construction site(s). If the test results indicate that the office/administration buildings construction site(s) have a high radon potential, the Licensee shall (1) integrate improved slabs and sub-slab depressurization systems construction design criteria developed through the FRRP in the office/administration building; (2) conduct post-construction tests in accordance with the FRRP protocols to evaluate the proposed design criteria, and (3) make test results available to the FRRP program.

D. To the extent practicable, the Licensee shall locate the proposed linear facilities within existing rights-of-way.

E. The Licensee shall investigate all complaints and provide appropriate mitigation for all impacts to radio and television reception caused by the proposed Barcola-Fort Meade 230 kV transmission line.

F. The Licensee shall implement the following three conditions during construction of the natural gas pipeline lateral near residences along Jameson Road in Hillsborough County and along Agricola Road near Bradley Junction in Polk County:

1. For residences located within 50 feet of the construction easement, the Licensee shall avoid removal of mature trees and landscaping between the residence and the edge of the construction easement, wherever practicable, and shall immediately restore all lawn areas and landscaping within the construction easement.

2. For residences located between 25 and 50 feet from the edge of the construction easement, the Licensee shall temporarily fence the edge of the construction easement adjacent to the residence for a distance of 25 feet on either side of the residence to ensure that construction equipment and materials, including the spoil pile, remain within the construction easement.

3. For residences located between 0 and 25 feet from the edge of the construction easement, the Licensee shall temporarily fence the edge of the construction easement and, if practicable, reduce the construction easement as necessary to maintain a minimum distance of 25 feet between the residence and the edge of the construction easement for a distance of 25 feet on either side of the residence. In no case shall the edge of the temporary construction easement be located within 10 feet of a residence unless the landowner agrees in writing. If placement of the pipeline will be within 25 feet of a residence, the Licensee shall ensure that the trench is not excavated until the pipe is ready for installation and the trench is backfilled immediately after pipe installation.

[Final Order Certification Power Block 1, 01/27/1994 – formerly Department of Community Affairs]

G. The Licensee shall update its current Hines Energy Complex hurricane preparation and recovery plan to include Power Blocks 1, 2, 3, and 4. The updated plan shall be submitted to the Department of Economic Opportunity and the Polk County Office of Emergency Management no later than completion of building construction code compliance review of Hines Power Block 4 by Polk County. The Licensee shall formally update the plan every 5 years following commercial operation of Power Block 4 or whenever an additional electrical generating unit is brought into commercial service at the Hines Plant site and shall submit these updated versions of the plan to the Department of Economic Opportunity and the Polk County Office of Emergency Management. These updating and submittal requirements should be noted in the plan. If the Department of Economic Opportunity deems the plan or any of its periodic updates not to be in compliance with the requirements of this Condition, it may petition for enforcement of this Condition pursuant to the Florida Electrical Power Plant Siting Act.

[Final Order Certification Power Block 3, 09/11/2003 – formerly Department of Community Affairs

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION Moved from Section B. Condition IV. Florida Fish and Wildlife Conservation Commission

A. General Listed Species Surveys

1. The Licensee shall follow the current survey protocols for all listed species that may occur within the Certified facility area to be impacted, as well as accessible appropriate buffers within the Licensee property or rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in FWC's Florida Wildlife Conservation Guide (FWCG) at http://myfwc.com/conservation/value/fwcg/.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to the FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports may be sent to: ConservationPlanningServices@MyFWC.com.

[Article IV, Section 9, Florida Constitution; Sections 379.2291, 403.507, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

B. Specific Listed Species Surveys

1. For any new construction, or associated land clearing within a Certified facility(ies) area to be impacted, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or "Active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures for FWC post-Certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions of Certification may also be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.

2. These surveys shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or 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. FWC's survey protocols may be downloaded from https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/.

3. FWC's permitting guidelines for the gopher tortoise (*Gopherus polyphemus,* State Threatened) contain appropriate survey protocols for the species and may be downloaded from https://myfwc.com/media/11854/gt-permitting-guidelines.pdf.

4. These surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Locations should be physically marked so that clearing and construction shall avoid impacting them.

5. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Certified Site area to be

impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan[1] (FWC 2019) or the Natural Communities Guide[2] (Florida Natural Areas Inventory 2010).

[Article IV, Section 9, Florida Constitution; Sections 379.2291, F.S.; Chapters 68A-4, 68A-16, 68A-27, and Rule 62-17.191, F.A.C.]

1 Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.
2 Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

C. Listed Species Locations

1. Where any suitable habitat and evidence is found of the presence of listed species within the Certified Facility, the Licensee will report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted and to identify potential avoidance, minimization, or mitigation recommendations. If pre-clearing surveys are required, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the Certified Site to be impacted. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC's Office of Conservation Planning Services, and the USFWS.

3. If avoidance is not feasible, the Licensee shall consult with DEP, FWC, and, if necessary, the USFWS for listed wildlife species to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. These steps shall be memorialized in a Wildlife Management Plan and submitted to DEP and FWC.

[Article IV, Section 9, Florida Constitution; Section 379.2291, F.S.; Chapter 68A-27and Rule 62-17.191, F.A.C.]

V. DEPARTMENT OF TRANSPORTATION Moved from Section B. Condition V. Department of Transportation

A. Prior to commencing the hauling of fuel oil to the site, a specific haul route shall be submitted to the DOT, Polk County and any other affected jurisdiction for review for compliance with generally applicable requirements. The Licensee may revise the haul route with notice to the affected jurisdiction(s). In the event DOT or any county road agency approves a work program that includes a structural repair or structural improvement along the haul route, the Licensee shall provide its proportionate share of the cost of the repair/improvement. Proportionate share shall be defined as the average annual fuel oil truck traffic to and from the DEF Hines Energy Complex divided by the average annual total traffic on the haul route for the most recent five-year period. The Licensee's proportionate share shall be calculated and paid within six months of the beginning of the fiscal year in which the repair or improvement is commenced. It shall be the responsibility of DOT or the appropriate county road agency to notify the Licensee of the inclusion of the repair/improvement of the work program.

B. When the number of construction and operating employees reporting to the site at the same shift exceeds 350, the Licensee shall begin a traffic monitoring program at the intersection of SR 37 and CR 640 for determining 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 per year in January, February, or March, until the number of employees has peaked or a signal and appropriate intersection improvements are installed, whichever comes first. The Licensee shall provide its proportionate share of the cost of the improvements required. Proportionate share shall be defined as actual project traffic divided by actual total traffic volume at the intersection at the time the improvement is determined to be needed.

C. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 150, the Licensee shall add a signal phase for westbound left-turns, which operates as a protected/permissive at the intersection of CR 555 and SR60. Modifications to the transportation system must conform to the requirements of the DOT. Geometric improvements required to accommodate this signal phase shall be part of the signal modification. This does not include the re-aligning of CR 555 at the southbound approach.

D. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 700, the Licensee shall add a second westbound left-turn lane by restriping the existing pavement at the intersection of US 98 and SR 60A. The restriping process shall include the milling of existing pavement, repaving, and providing new pavement markings within the construction area.

E. All utility work/construction with the state right-of-ways shall conform to the minimum requirements of the Utility Accommodation Manual (Document 710-020-001), or as may be amended. For all work normally requiring a Utility Permit, DOT shall issue the permit within 90 days, or as may be required by the Utility Accommodation Manual, of the submission of a satisfactorily completed Utility Permit (Form 710-010-85, or as may be amended).

F. Modifications to existing intersections with state roads shall be in compliance with Chapters 14-96 and 14-97, F.A.C. For all modifications to existing intersections with state roads, DOT shall issue a Connection Permit within 90 days of the submission of a satisfactorily completed Connection Permit [Form #850-040-10-a (12/89)], or as may be amended.

G. Any new public rail/highway at-grade crossings which may be deemed necessary for this site by the Licensee must adhere to the non-procedural standards of Rule 14-46.003, F.A.C. In the -event the Licensee determines it is necessary to create a new public rail/highway at-grade crossing, the Licensee shall include the crossing as part of either a modification of certification or supplemental application, which shall include notices for public hearings or stipulations of all parties as required by Chapter 403, Part II, F.S., and Chapter 62-17, F.A.C.

H. Access management to the State Highway System: No new access to the State Highway System is proposed in the supplemental SCA for Power Blocks 2 3, and 4. If new access is later proposed, access permitting as defined in Rule chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, State Highway System Access Management Classification System and Standards, F.A.C., will be required.

I. Overweight or Overdimensional Loads: Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and

operation of the utility facility will be subject to permitting as defined in Chapter 316, Florida Statutes, and Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, F.A.C.

J. Use of State of Florida Right of Way or Transportation Facilities: Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and rule chapter 14-46, Railroads/Utilities Installation or Adjustment, F.A.C.

K. Best Management Practices

1. Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C.; Florida Department of Transportation's Roadway and Traffic Construction Design Standards; and Florida Department of Transportation's Standard Specifications for Roads and Bridges, whichever is more stringent.

2. If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during the construction of the additional unit, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Sections 316, F.S., and Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapter 316, F.S.; Chapters 14-26, 14-46, 14-94, and 14-97, F.A.C.]

VI. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

Moved from Section B. Condition VI. 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). 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) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

VII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Moved from Section B. Condition VII. 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.]

VIII. POLK COUNTY Moved from Section B. Condition VIII. Polk County

A. Permits

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

[CUP 92-06 Condition No. 1]

B. Fuel

The project shall be restricted to the burning of natural gas, coal gas, coal, or oil unless a Conditional Use Permit (CUP) modification providing an analysis of the impact of any proposed change in fuel types is reviewed and approved by the Polk County Board of County Commissioners in accordance with Polk County procedures for conditional use permits.

[CUP 92-06 Condition No. 2]

C. Fire Protection Plan

Following site certification, and prior to completion of building construction code compliance review, the Licensee shall submit an acceptable fire protection plan to the Polk County Fire Codes Inspector outlining specific measures to be taken to meet all local fire codes and regulations. As part of this plan, the Licensee shall install on the fuel oil tanks either subsurface foam systems or outside foam systems and shall maintain foam on-site for operation of these systems.

[CUP 92-06 Condition No. 3]

D. Emergency Management and Response Plans

Following site certification, and prior to completion of building construction code compliance review, the Licensee shall submit an acceptable Emergency Management and Response Plan (EMR Plan) to the Polk County Office of Public Safety. The EMR Plan will detail emergency management and response procedures for any project-related, on-site incidents, including hurricane, fire, and hazardous materials release, so as to ensure minimum response time and maximum effectiveness and efficient response in or DEP to protect the public s health, safety, and welfare. The plan shall be consistent with the requirements of 29CFR 1910.38. In the event of a project-related on-site incident which has the potential to result in off-site impacts, the Licensee shall promptly ascertain the extent of the impact and take appropriate steps to remedy the situation or mitigate such off-site impacts.

[CUP 92-06 Condition No. 4]

E. Emergency Notice

The Licensee shall immediately contact Polk County's Office of Public Safety when it becomes aware of project related on-site incidents which have the potential for affecting the public's health, safety, and welfare.

[CUP 92-06 Condition No. 5]

F. Landscape Buffer

Landscaping shall be installed in accordance with the landscape plan included in the SCA. Installation shall be completed prior to commercial operation of the first unit. The Licensee shall guarantee 80 percent survival of landscape plant materials for a period of one year following the completion of installation.

[CUP 92-06 Condition No. 6]

G. Tall Structure Compliance

The Licensee 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.

[CUP 92-06 Condition No. 7]

H. Transportation

1. Following certification, but prior to the completion of building code compliance review, the Licensee shall submit to the Polk County Planning Division Director a plan for monitoring the number of employees reporting to the site at the same shift time and reporting this information to the Polk County Planning Division. The data collected through this monitoring program shall be the basis for determining the need for transportation improvements.

[CUP 92-06 Condition No. 8A]

2. Prior to the completion of building construction code compliance review, the Licensee shall be required to construct a Case III intersection at the main driveway connection to CR 555 in accordance with Polk County subdivision regulations, including left-turn storage and acceleration/deceleration lanes.

[CUP 92-06 Condition No. 8B]

3. Prior to the completion of building construction code compliance review, the Licensee shall be required to construct a Case II (balanced) intersection at the secondary or northern-most driveway connection to CR 555 in accordance with Polk County's subdivision regulations.

[CUP 92-06 Condition No. 8C]

4. Prior to the time when the number of construction and operating employees reporting to the site at the same shift time exceeds 150, the Licensee shall add a signal phase for westbound left-turns which operates as protected/permissive at the intersection of CR 555 and SR 60. Modifications to the transportation system must conform to the requirements of the FDOT.

[CUP 92-06 Condition No. 8D]

5. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 700, the Licensee shall add a second westbound left-turn lane by restriping the existing pavement at the intersection of US 98 and SR 60A. Modifications to the transportation system must conform to the requirements of the FDOT.

[CUP 92-06 Condition No. 8E]

6. When the number of construction and operating employees reporting to the site at the same shift exceeds 350, the Licensee shall begin a traffic monitoring program at the intersection of SR 37 and CR 640 for determining 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 per year in January, February, or March, until the number of employees has peaked, a signal is installed, or other necessary intersection improvements are made.

[CUP 92-06 Condition No. 8F]

7. When the number of construction and operating employees reporting to the site at the same shift time exceeds 350, the Licensee shall begin a traffic monitoring program at the intersection of CR 555 and CR 40 for determining 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 per year in January, February, or March, until the number of employees has peaked, a signal is installed, or other necessary intersection improvements are made.

[CUP 92-06 Condition No. 8G]

8. Following site certification and prior to the completion of building construction code compliance review, the Licensee shall submit an acceptable Transportation Demand Management Plan to the Polk County Planning Director outlining specific measures to be taken to minimize the impacts of both construction and operations traffic on the surrounding transportation network.

[CUP 92-06 Condition No. 8H]

9. The site shall be limited to the two access points on CR 555 shown on Figures 3.2.1-1 and 3.2.1-2 in the SCA. The entrances shall be built for use during the construction phase of this project. All construction traffic shall park inside the site, well away from the road right-of-way.

[CUP 92-06 Condition No. 8I]

I. Solid Waste Disposal

1. The Licensee shall be responsible for proper disposal of slag and/or ash by-products produced in the power generation process at locations other than at Polk County landfills.

[CUP 92-06 Condition No. 9A]

2. The Licensee shall monitor groundwater in relation to solid waste disposal areas and make available-to the Polk County Water Resources Director all data produced from the groundwater monitoring system. Upon prior notice, the Licensee shall allow county staff members access to the site for purposes of examining the condition of' the groundwater

monitoring equipment, observing the sampling procedures and collection of samples as deemed necessary for Polk County.

[CUP 92-06 Condition No. 9B]

J. Hazardous Materials Storage

The Licensee shall annually report their storage and usage of hazardous material to Polk County as required by SARA Title III and upon prior notice shall allow county staff members access to the site for purposes of determining compliance with reporting requirements. As part of the first report, the Licensee shall specifically address with narrative descriptions, data and maps, as appropriate, the location of the Hines Energy Complex, as a facility at which hazardous materials may be used, handled or stored, with respect to the following:

1. access from the site to major transportation routes for ease and safety of transporting hazardous materials.

[CUP 92-06 Condition No. 10A]

2. access and reasonable response time to the site for properly-trained and equipped personnel to service potential hazardous materials accidents

[CUP 92-06 Condition No. 10B]

3. the nearness and degree of sensitivity of surrounding land uses.

[CUP 92-06 Condition No. 10C]

4. the compatibility of the proposed use with respect to the nature of hazardous materials stored or used on adjacent sites.

[CUP 92-06 Condition No. 10D]

5. the existence of surface water features, including drainage patterns and basin characteristics.

[CUP 92-06 Condition No. 10E]

6. the location of potable water supplies, private wells, public well fields, sinkholes, and other conduits for potential migration of contaminants.

[CUP 92-06 Condition No. 10F.

7. atmospheric conditions, including but not limited to prevailing wind patterns.

[CUP 92-06 Condition No. 10G]

K. Spill Prevention Control and Countermeasure Plan

The Licensee shall be required to submit a preliminary Spill Prevention Control and Countermeasure 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 to Polk County for compliance review six months prior to the date the first unit begins commercial operation and shall be implemented when the first unit begins commercial operation. The SPCC Plan shall be updated in the event of a change in design, construction, operation, technology, or maintenance, which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the U.S. or

adjoining shore line. This Plan shall be prepared and updated in accordance with requirements of the Clean Water Act, as in 40 CFR Part 112 and submitted to Polk County for review and comment prior to implementation.

[CUP 92-06 Condition No. 11]

L. Flood Study

1. The Licensee shall submit a flood study to the Federal Emergency Management Agency (FEMA) in support of a Letter of Map Amendment or Revision, whichever is appropriate, in accordance with National Flood Insurance Program Rules and Regulations, within one year of release of reclamation of the site.

[CUP 92-06 Condition No. 12]

2. The Licensee shall construct and maintain adequate flood protection berms to assure that the Homeland area will not receive flood waters in the event of a dam failure.

[Polk Ordinance 88-04]

3. The Licensee shall perform and provide to Polk County a detailed analysis of dam failure flood conditions including alternatives for minimizing obstruction and damage to roadways.

[Polk Ordinance 88-04]

M. Stack Emissions Monitoring

The Licensee shall make available to the Polk County Environmental Services Director all data produced from the emissions monitoring systems for the exhaust stack(s) when requested and report on a quarterly basis any excess emissions. The Licensee shall allow designated county staff: members' access to the site for purposes of examining the condition of this equipment and the monitoring program upon prior notice.

[CUP 92-06 Condition No. 13]

N. Compliance with Applicable Air Quality Regulations

The Licensee shall comply with applicable air quality regulations in effect at the time of filing of each SCA or supplemental application for each phase of development of the Hines Energy Complex.

[CUP 92-06 Condition No. 14]

O. Transmission Lines

The Licensee shall apply to Polk County for a modification to CUP 92-06 at the time it submits a supplement to or modification of their SCA to the state regarding a defined, proposed corridor route for any new, proposed transmission lines associated with the DEF Hines Energy Complex.

[CUP 92-06 Condition No. 15]

P. Wildlife Habitat Management Plan

A wildlife habitat management plan for the buffer areas shown on SCA Figure 2.1.3-1 shall be required and must be approved by the FWC and Polk County prior to

commercial operation of the first unit at the Hines Energy Complex. Revegetation and planting in the buffer areas shall be in accordance with applicable approved non-mandatory reclamation plans. If no non-mandatory reclamation plans are approved for the buffer areas, revegetation and planting shall be in accordance with the plan presented in the SCA process and with federal agency input if required. The wildlife habitat management plan shall include a map of the buffer areas and shall describe the type and objectives of habitat management activities to be performed within the buffer areas. Such management activities may include water level management, habitat diversification, and removal of exotic and unwanted vegetation (e.g., Brazilian pepper).

[CUP 92-06 Condition No. 16]

Q. Water Use and Conservation Reporting

Following the start of commercial operation, the Licensee shall:

1. supply a quarterly report on ground water use quantities, ground water level measurements, and water quality analysis results.

2. supply an annual report on methods of water conservation and estimates of water conservation (if available).

These reports shall be submitted to the Polk County Planning and Water Resource Division Directors. The quarterly report shall be submitted 45 days after each quarter. The annual report(s) summarizing the year's results shall be submitted by March 31, for the preceding calendar year.

[CUP 92-06 Condition No. 17]

R. Ambient Air Quality Testing

To the extent not already provided for through the DEP Title V funded statewide air quality monitoring network or other means, the Licensee shall provide up to two ambient air quality monitoring stations concurrent with the operation of the first unit to the Hines Energy Complex. The purpose of this Condition is to provide reasonable assurance that sufficient monitoring apparatus will be put in place to determine actual air quality conditions in the area affected by DEF's Hines Energy Complex. Monitoring requirements, such as station location, parameters to be monitored, number of monitoring stations and quality assurance procedures shall be determined by the Florida Department of Environmental Protection in consultation with the Polk County air program manager and the Licensee.

[CUP 92-06 Condition No. 18]

S. Protection of Wells

The Licensee shall remediate any potable water well located on lands at the northwest corner of CR 555 and CR 640 owned by Mr. Donald Haag which has been determined by the Polk County Water Resources Director to have been adversely impacted by the Licensee s operation.

[CUP 92-06 Condition No. 19]

T. Non-Designated Area

The non-designated area on the Generalized Project (Site Plan, SCA Figure 2.1.3-l) shall be designated as undeveloped, with the exception of the existing transmission line and substation.

[CUP 92-06 Condition No. 20]

U. Consumptive Use

The Licensee shall investigate the possible reuse of available treated municipal and county effluent, and other potential-sources of water (such as deeper aquifer water) as cooling pond makeup in order to reduce the use of potable ground water. The Licensee shall investigate alternative methods to reduce the amount of potable water needed for use as cooling pond makeup water, such as, but not limited to conservation and treatment/ use of lower quality water. The investigation shall include all municipal and county sewage treatment facilities within Polk County. As a goal, the Licensee shall seek to develop and implement a program to maximize the use of alternative water sources. The results of the investigation and compliance shall be included in each supplemental application.

In subsequent applications for this site, if technically and economically feasible, the Licensee shall incorporate reuse of treated effluent or alternative lower quality water sources into its design. It is the intent that to the extent that it is technically and economically feasible, the Licensee shall in subsequent applications include in its design that reuse/alternative water sources shall constitute an increasing proportion of the Licensee total cooling water makeup requirements.

[CUP 92-06 Condition No. 23. Polk Comprehensive Plan Policy 2.306-Bl, 2.306-B2, and 3.105D-2]

V. Sinkhole Response and Clean-up Plan

The Licensee shall develop and submit to Polk County for approval six months prior to commencing operation of the first commercial unit, a plan detailing the emergency measures to be implemented if such an event occurs, and a remedial action plan to clean-up the impacted aquifer(s) and surface water(s) if a sinkhole occurs on the DEF site.

[CUP Finding 20-2]

W. Inspection and Permit Compliance Fees

Polk County shall be allowed to inspect any and all construction, operating, monitoring, sampling and remediation activities which the Licensee conducts on site. Polk County shall provide notice to the Licensee prior to performing any such inspection. The Licensee 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.

[Polk County Building Codes]

X. Building Construction Code Compliance Review Agreements

Prior to the commencement of construction, Polk County and the Licensee shall enter into an agreement on the following items:

1. responsibility for inspections.
2. types of inspections:
    a. site preparation
    b. installation of facilities

c. need for threshold inspection

3. fees to be paid by the Licensee to Polk County for the Building Code Compliance Review.

[Polk County Building Codes]

Y. Reporting

The Licensee shall submit all reports and submissions to the Director of the Polk County Community Services Department for information purposes.

Z. Noise

The Licensee shall comply with applicable local noise ordinances, if any, during construction and operation of the certified facility.

IX. HILLSBOROUGH ENVIRONMENTAL PROTECTION COMMISSION, HILLSBOROUGH COUNTY AND TAMPA PORT AUTHORITY Moved from to Section B. Condition IX. Hillsborough Environmental Protection Commission et al

A. Alafia River Crossing

The crossing of the Alafia River by the natural gas pipeline lateral shall be accomplished underneath the riverbed so as not to interfere with flow or use of the river for boating, swimming or other recreational activities. No vegetation will be cleared along the banks of the Alafia River at the pipeline river crossing for a distance of 25 feet back from the stream bank.

B. Buffering and Screening

1. Landscape Buffer

A 10 foot landscape buffer, as required for a Group 1 use adjacent to a single family residential use, or such other buffer as may be appropriate based on the surrounding land use, site layout and the height and bulk of the metering station facilities, shall be provided for the metering station site. If deemed appropriate by the County, the 10-foot landscape buffer shall include screening in accordance with Section 2.5.14.2.1 of the Hillsborough County Land Development Code (dated March 4, 1992). In no case shall the buffering and screening requirements exceed those for a Group 2 use adjacent to a single family residential use, as specified in Table 2.5.3, Buffer Matrix, and Section 2.5.14.2.4 of the Hillsborough County Land Development Code. Notwithstanding this Condition, provisions of Section 2.5.14.7 and 2.5.14.8 dealing with "Alternative Buffers and Screening" and "Existing Vegetation", respectively, shall also be allowed if existing site conditions are such that the provisions would be applicable. Landscaping within the buffer area shall be provided in accordance with section 3.6.3, Landscaping Standards and Guidelines, of the Hillsborough County Land Development Code.

2. Radio Tower

Any radio or other communications tower located on the metering station site whose purpose is to provide communications for the operation of the natural gas pipeline and metering station shall meet the setback requirements and height limitations of the AR zoning district and shall comply with the standards listed in Sections 2.6.4.95.1 through 2.6.4.95.5.

C. Land Alteration Review

1. Exemption

Once the right-of-way for the natural gas pipeline lateral and the specific site for the metering station have been selected, the Licensee shall determine, in consultation with the County and EPC, whether construction of the pipeline or the metering station will adversely impact any environmentally sensitive area, as defined in Division 7.3 of the Hillsborough County Land Development Code (including wetlands pursuant to Chapter 1-11, Rules of the EPC). In the event the Licensee so determines, and the County and EPC concur, that pipeline or metering station construction will not adversely impact an environmentally sensitive area, that facility shall be exempt from land alteration review as provided in Section 3.5.1.3.3.(7) of the Hillsborough County Land Development Code. Pipeline crossings of environmentally sensitive areas accomplished by drilling or boring underneath the surface, such that the land surface or bottom of inundated portions of the environmentally sensitive area is not disturbed, shall not constitute an adverse impact to the environmentally sensitive area. For purposes of verification that environmentally sensitive areas will not be adversely impacted, the Licensee shall submit aerial photographs (at scale of l" = 400' or greater) of the pipeline right-of-way and metering station site showing the locations of proposed uses of drilling or boring construction techniques to the Hillsborough County Administrator and the Executive Director of EPC.

2. Tree Replacement

Even if the pipeline or metering station is determined exempt from land alteration review as provided in Section 3.5.1.3.3.7 of the Hillsborough County Land Development Code, the Licensee shall be required to comply with Section 3.5.3.3.5, requiring replacement of 50 percent of the total DBH of any tree having a DBH of 24 inches or greater or any clump of trees, as defined in Section 7.3, that is to be removed from the metering station site or the pipeline right-of-way. A tree survey shall be conducted in accordance with Section 3.5.2.2.17.5 of the Hillsborough County Land Development Code, except that it shall only identify those trees requiring replacement under this Condition. The survey shall be accomplished in conjunction with the ecological survey provided for in Section B.IX.D. [Ecological Survey] and shall be limited to the area where the pipeline right-of-way crosses Sections 5, 8 and 9 of Township 31S, Range 22E. As provided in Section 3.5.3.3.5 of the Hillsborough County Land Development Code, "total DBH removed" shall be the sum of the DBH's of all trees being removed from the metering station site or pipeline right-of-way that require replacement. DBH shall mean Diameter at Breast Height, as defined in Section 7.3 of the Hillsborough County Land Development Code. Replacement of trees in accordance with this Condition may occur off-site or outside the pipeline right-of-way and shall be accomplished in accordance with Sections 3.5.3.3.6 through 3.5 3.3.10 dealing with replacing, relocating, planting and transplanting of trees. As provided in Section 3.5.4 of the Hillsborough County Land Development Code, the Licensee may contribute money, as approved by the County under generally applicable criteria, to the Environmental Restoration Fund in lieu of or as part of the tree replacement requirements of this Condition.

3. Information Submittal for Land Alteration Review

In the event the Licensee determines, in consultation with the County and EPC, that pipeline and/or metering station construction will adversely impact an environmentally sensitive area, the Licensee shall submit information necessary to demonstrate compliance with Hillsborough County's land alteration review standards. This information filing shall be on the

form provided by the County for an application for a Land Alteration Permit. Submission requirements specified in Section 3.5.2.2 of the Hillsborough County Land Development Code shall be met, except for:

a. Item #2 - Evidence that the applicant is the authorized agent of the owner will be provided for the metering station site but not for the pipeline right-of-way. Prior to the initiation of pipeline construction, the Licensee shall provide the County with evidence of its legal right to construct the pipeline.

b. Item #5 - The legal description, section, township and range, folio number and street address, if any, will be provided for the metering station; however, only the section, township and range and folio numbers will be provided for the pipeline right-of-way.

c. Item #12 requiring a project compatibility plan for a development project proposed adjacent to a public or private, non-profit natural preserve is not applicable.

d. Item #14 - Soil boring obtained for purposes of detailed engineering required for the pipeline and metering station will be provided to the County.

e. Item #17(1) through (4) and (6) through (8) shall be provided for the metering station only. Item #17 (9) (typical cross section of the area to be excavated) shall be provided for the pipeline trench and jack and bore construction.

4. Land Alteration Review Standards and Guidelines

Land alteration standards and guidelines as listed in Section 3.5.3 shall be followed, except it is recognized that:

a. Trees having a DBH of 5 inches or greater within the area between 25 feet and 100 feet of the Alafia River bank may need to be removed for construction of the pipeline lateral and such construction in support of a certified electric power generating facility would constitute a case of overriding public interest for purposes of Section 3.5.3.3.(4).

b. Planting of replacement trees or preservation of significant or essential upland habitat, if required, may not be possible on-site, i.e., within the boundary of metering station site or the pipeline right-of-way. If required, planting of replacement trees and/or preservation of significant or essential upland habitat may be accomplished off-site in accordance with Section 3.5.3.4.2.6. As provided in Section 3.5.4 of the Hillsborough County Land Development Code, the Licensee may contribute money as approved by the County under generally applicable criteria, to the Environmental Restoration Fund in lieu of or as part of the tree replacement requirements of this Condition.

c. Criteria, exceptions or exemptions in Section 3.5 for utility installation or installation of utility lines, such as Section 3.5.3.4.1.2.4 concerning setbacks, Section 3.5.3.5.2 concerning retention of natural plant community vegetation, and Section 3.5.3.4.2.2.4(c) concerning protection of xeric and mesic habitats shall be applicable to the natural gas pipeline lateral.

d. For purposes of determining compliance with Section 3.5.3.4.2.2.3 concerning preservation of significant wildlife habitat, the clearing for and underground construction of the natural gas pipeline lateral shall be considered a design feature that allows for the safe passage of wildlife and shall not be considered to result in fragmentation of a wildlife corridor.

D. Ecological Survey

1. No later than 120 days prior to the initiation of clearing activities within the gas pipeline lateral right-of-way, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plants and animals), as defined in the SCA in Tables 2.3.6.9 and 2.3.6.10, in the right-of-way based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to the Hillsborough County Administrator and the Hillsborough County EPC at the same time the survey results are submitted to the Florida DEP and FWC. If it is determined that any of those species will be adversely affected by the construction of the pipeline lateral, the Licensee shall consult with DEP, the County and FWC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impact to resources within those agencies' respective jurisdictions. The results of this survey shall be considered sufficient to meet the submission requirements of Hillsborough County's land alteration standards review.

2. Procedure for Review

The County shall complete review of the Licensee's land alteration submittal, ecological survey and affected environmentally sensitive area within the same time frame and generally applicable procedure established for such review in the Conditions of Certification for other agencies.

E. Inspections

Per Section 3.5.2.1.2.2.9 of the Hillsborough County Land Development Code, the County Administrator may conduct periodic inspections of the metering station site and pipeline right-of-way to determine compliance with these Conditions.

F. Site Plan Review

1. Information Submittal for Site Plan Review

Prior to construction, the Licensee shall submit information on the natural gas metering station site as appropriate for administrative review of a Limited Use. Submission of such information shall be for the purpose of determining compliance with applicable Hillsborough County review standards and criteria for approval of a Limited Use, as provided in the Hillsborough County Land Development Code, Division 2.6. Applicable Limited Use Permit submission requirements, as listed in Section 2.7.9.7.3 of the Hillsborough County Land Development Code, including completion of the Hillsborough County Limited Use application form attached as Attachment F (Checklist of Submittal Requirements for Limited Use), shall be met.

2. Procedure for Review of Site Plan

Hillsborough County shall promptly review for completeness the information submitted by the Licensee for a site plan review. For the purposes of this Condition, completeness shall mean that the information submitted is both complete and sufficient. If the information is found to be incomplete, Hillsborough County shall notify the Licensee within 30 days of the date the submittal is filed. Failure to so notify the Licensee constitutes a finding of completeness. The Licensee shall send Hillsborough County a reminder notice 20 days after the submittal is filed.

Within 90 days of the Licensee's complete information submittal, Hillsborough County shall determine whether there is reasonable assurance of compliance with the County's site plan review standards and criteria for approval of a Limited Use. 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 90 days of receipt of the complete information submittal shall constitute a compliance verification. The Licensee shall send Hillsborough County a reminder notice 70 days after the submittal is filed.

If Hillsborough County does not object within the time period specified above, the Licensee may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

Neither the information specified in this Condition, nor referral of a site plan-related issue for dispute resolution pursuant to Specific Condition B.IX.J. [Dispute Resolution] shall affect other Conditions or operate as a stay on the construction or other activities of the Licensee which are not in dispute.

G. Hillsborough County Right-of-Way Use

Hillsborough County shall authorize each natural gas pipeline road right-of-way crossing or use within 30 days of the submission of a complete use permit application for such natural gas pipeline. In construction of the natural gas pipeline lateral, the Licensee shall follow the standards of Hillsborough County for a right-of-way use permit unless the Licensee and Hillsborough County subsequently agree to the contrary.

H. Environmental Protection Commission Review

1. Pipeline crossing of jurisdictional wetlands or open water habitat accomplished by drilling or boring underneath the surface, such that the land surface of the wetland or the bottom of the open water habitat is not disturbed, shall not constitute destruction or degradation of the wetland or open water habitat under EPC's regulations. EPC shall review any such crossings as identified by the Licensee, along with their related construction plans, and if EPC agrees and also determines that the proposed construction methods will avoid adverse impact to waters of the County, no further EPC review will be required for those crossings. Temporary clearing with restoration of natural contours and opportunity for natural revegetation shall not constitute destruction or degradation of the wetland or open water habitat, provided the vegetation does re-establish, and shall not be subject to EPC review except to verify that the vegetation has re-established. The Licensee shall provide a letter of commitment to EPC to ensure re-establishment of the natural vegetation. If pipeline construction is accomplished in a different manner such that wetlands or open water habitat may be degraded or destroyed, such pipeline construction shall be subject to full EPC review in accordance with this Condition and the County's land alteration review in accordance with Specific Condition B.IX.C. [Land Alteration Review].

2. EPC and the Licensee agree to abide by the approval of the corridor through the State Site Certification process and the right-of-way through the Post-Certification Process, both of which may weigh other public issues than wetlands protection. The Licensee may, at its own discretion, propose a right-of-way or a narrowing of the corridor prior to completion of the State Site Certification process. In the event, EPC and the Licensee agree to

abide by the approval of the narrowed corridor or right-of-way through the State Site Certification process.

3. To initiate the EPC review process, the Licensee will submit to EPC the equivalent of the appropriate fee, as established in Chapter 1-6.05(10) of EPC's rules, and a request that a wetland delineation be performed by EPC for all wetlands within the corridor using EPC's aerial photographic delineation method or field delineation method. EPC shall complete the wetland delineation within 30 days of receipt of a complete wetland delineation request and payment of the fee. EPC sign-off on the wetland delineation shall be provided in writing within 30 days of a satisfactory completion of the delineation survey.

4. To minimize impact to wetlands, the Licensee agrees that it shall consult with EPC as a part of its selection of a right-of-way within the certified corridor, and, to the extent practicable, avoid locating the right-of-way in wetlands.

5. EPC shall review the Licensee's right-of-way selection and decide whether wetland impacts have been avoided to the extent possible, given environmental, land use and engineering considerations. The Licensee's right-of-way selection shall be depicted on the same aerial photographs as were used for the wetland delineation. If the Licensee elects to propose a right-of-way prior to the completion of the State Site Certification process as provided in paragraph 6B above, this review shall be completed in sufficient time to resolve through the certification hearing any wetland avoidance issues remaining between EPC and the Licensee. If EPC reviews the Licensee's right-of-way selection as part of a post-certification review process, EPC's review shall be completed within 30 days following submittal of aerial photographs showing the right-of-way location. The results of this post-certification review process shall be an agreed upon right-of-way, and, thereafter, right-of-way location shall not be an issue in the EPC review process.

6. Upon completion of the wetland delineation and review of the right-of-way by EPC, the Licensee will submit the equivalent of the appropriate fees, as established in Chapter 1-6.05(11) of EPC's rules for wetland mitigation, and submit a Development and Mitigation Approval package in accordance with EPC guidelines, providing a complete explanation and justification of the proposed method of construction and any proposed mitigation to EPC asking that EPC consider all impacts within a designated right-of-way. This submittal and EPC's consideration of it may include other public issues than wetlands protection.

7. EPC will review the submittal and decide whether wetland impacts within the right-of-way have been minimized given the environmental, land use and engineering considerations. EPC shall notify the Licensee of its decision in writing within 30 days of receipt of a complete submittal. Such notice shall specify the basis for EPC's conclusion, and possible corrective measures shall be suggested, if considered necessary.

8. The Licensee shall provide construction plans for the right-of-way and suitable kind for-kind, acre-for-acre wetland mitigation or upland mitigation, where appropriate under Chapter 1-11, for all wetland impacts. This mitigation can be proposed either on the Licensee's own property or by written consent of the property owner, on the property of others in a mitigation bank according to EPC's standard mitigation criteria.

9. Upon review of the mitigation proposal required by Specific Condition B.IX.H.6 above and any modification that may be necessary to bring any required mitigation proposal into compliance with EPC's non-procedural standards, EPC will approve (by letter) the

mitigation proposal and forward the attached Mitigation Agreement (see Attachment G – Approval & Mitigation Agreement Form) to the Licensee for execution. Review of the mitigation proposal and any modifications shall be accomplished with 30 days of the Licensee's submittal of all necessary information.

10. Once the Mitigation Agreement is executed and recorded, the Licensee may proceed with construction.

11. EPC shall make every effort to conform as closely as possible to-the procedures and timetables established in the Conditions of Certification for other wetland review agencies.

I. Submerged Lands

The Tampa Port Authority (TPA) or its staff shall issue the appropriate concurrence for a natural gas pipeline crossing of lands and waterways under the jurisdiction of the TPA within 30 days of the submission of a complete application for such natural gas pipeline crossing demonstrating compliance with applicable provisions of the TPA's Rules for Sovereignty Lands Management (January 4, 1984). In the construction of the natural gas pipeline lateral, the Licensee shall follow the applicable standards of the TPA's Rules for Sovereignty Lands Management (January 4, 1984), unless the Licensee and TPA subsequently agree to the contrary.

J. Dispute Resolution

It is understood that the Licensee, the County, EPC and TPA shall strive to resolve disputes by mutual agreement. All parties to this stipulation may take whatever position(s) they deem appropriate with respect to any dispute resolution mechanism to be incorporated in Conditions of Certification imposed by the Governor and Cabinet sitting as the Siting Board.

[Final Order of Certification, 1/27/1994]

HISTORY

Certification Issued 01/27/94; signed by Governor Chiles
Modification (A) 05/18/95; signed by Secretary Wetherell
Modification (B) 12/21/95; signed by Secretary Wetherell
Modification (B) 08/18/97; signed by Secretary Wetherell
Modification (C) 12/24/97; signed by Secretary Wetherell
Modification (D) 01/27/99; signed by Acting Secretary Green
Supplemental Certification issued 06/04/01; signed by Governor Bush
Modification (E) 07/08/03; signed by Program Administrator Oven
Supplemental Certification issued 09/11/03; signed by Governor Bush
Modification (F) 06/10/05; signed by Program Administrator Oven
Supplemental Certification issued 06/08/05; signed by Governor Bush
Modification (G) 03/29/07; signed by Program Administrator Halpin
Modification (H) 02/12/09; signed by Program Administrator Halpin
Modification (I) 07/31/12; signed by Program Administrator Mulkey
Modification (J) XX/XX/XX; signed by Program Administrator Mulkey