

**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

**Calpine Construction Finance Company, L.P.  
Osprey Energy Center**

**PA 00-41B**

**Date Modified XX/XX/10**

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## SECTION A: GENERAL CONDITIONS

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### SECTION A: GENERAL CONDITIONS

#### I. SCOPE

A. Pursuant to sections 403.501-518, Florida Statutes (F.S.), the Florida Electrical Power Plant Siting Act (PPSA); 403.520-5365, this certification is issued to Calpine Construction Finance Company, L.P. (CCFC) as owner of Osprey Energy Center and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) Calpine will operate a 540 MW facility (527 MW under average annual ambient conditions) consisting of two combustion turbine generators (170 MW each), two heat recovery steam generators, one steam turbine electric generator (200 MW), and ancillary equipment. These units are located on a 19.5 acre site which is adjacent to the Auburndale Power Partners electrical power generation facility at 1501 Derby Avenue, Auburndale, Polk County, Florida. UTM coordinates are: Zone 17; 421.0 km East; 3103.2 km North. Unless otherwise specified, CCFC shall be responsible for the compliance with the conditions herein. The Department does not intend, solely by the May 2010 incorporation of these General Conditions, to require the retrofitting of existing certified facilities. Any violation of a General Condition shall be a violation by Calpine Construction Finance Company, L.P.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon 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 of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

C. Within 60 days after completion of construction of the certified facility/ies, the Licensee shall provide to the Department: 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 and aerial photograph shall be attached hereto as part of Attachment A. The Licensee shall notify the Department of any change to the site boundary. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the proposed new boundaries of the site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the plant is located to be the boundaries of the site.

D. If the boundaries of the Certified Area are different than the boundaries of the Site, the Licensee shall comply with the requirements of this paragraph. Within 60 days after completion of construction of the certified facility/ies, including but not limited to transmission lines and natural gas pipelines, the Licensee shall provide to the Department: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the boundaries of the certified area. For electrical generation plants, the boundaries of the certified area shall include both the certified "electrical power plant" as defined by Section 403.503(14), F.S. and its "associated facilities" as defined by Section 403.503(7), F.S. The survey and the aerial photograph shall be attached hereto as part of Attachment A. Any

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proposed project requiring a change to the boundaries of the certified area shall be accompanied by an updated survey map or legal description and aerial photograph

*[Sections 403.511, 403.531, and 403.9416, F.S.; subsections 62-4.160(8) and 62-17.205(2), F.A.C.]*

### II. APPLICABLE RULES AND STATUTES

The operation of, and any new construction to, the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), including, but not limited to, the 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:

#### **Florida Statutes:**

- Chapter 120 (Administrative Procedure Act)
- Chapter 163 (Intergovernmental Programs)
- Chapter 252 (Emergency Management)
- Chapter 253 (State Lands)
- Chapter 258 (State Parks & Preserves)
- Chapter 267 (Historical Resources)
- Chapter 373 (Water Resources)
- Chapter 376 (Pollutant Discharge Prevention and Removal)
- Chapter 379 (Fish and Wildlife Conservation)
- Chapter 380 (Land & Water Management)
- Chapter 403 (Environmental Control)
- Chapter 487 (Pesticide Regulation and Safety)
- Chapter 556 (Underground Facility Damage Prevention and Safety)

#### **Florida Administrative Codes:**

- 5I-2 (Open Burning)
- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulation of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)
- 62-160 (Quality Assurance)
- 62-204 (Air Pollution Control-General Provisions)
- 62-210 (Stationary Sources-General Requirements)
- 62-212 (Stationary Sources-Preconstruction Review)
- 62-213 (Operation Permits for Major Sources of Air Pollution)
- 62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
- 62-256 (Open Burning)

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62-296 (Stationary Sources-Emission Standards)  
62-297 (Stationary Sources-Emission Monitoring)  
62-301 (Surface Waters of the State)  
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62-303 (Identification of Impaired Surface Waters)  
62-304 (Total Maximum Daily Loads)  
62-312 (Dredge and Fill Activities)  
62-330 (Environmental Resource Permitting)  
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)  
62-343 (Environmental Resource Permit Procedures)  
62-345 (Uniform Mitigation Assessment Method)  
62-346 (Environmental Resource Permitting in Northwest Florida – Revised April 21, 2009)  
62-520 (Groundwater Classes and Standards)  
62-522 (Groundwater Permitting and Monitoring)  
62-528 (Underground Injection Control)  
62-531 (Water Well Contractor Licensing Requirements)  
62-532 (Water Well Permitting and Construction Requirements)  
62-550 (Drinking Water Standards, Monitoring and Reporting)  
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)  
62-560 (Requirements for Public Water Systems That Are Out of Compliance)  
62-600 (Domestic Wastewater Facilities)  
62-601 (Domestic Wastewater Treatment Plant Monitoring)  
62-604 (Collection Systems and Transmission Facilities)  
62-610 (Reuse of Reclaimed Water and Land Application)  
62-620 (Wastewater Facility and Activities Permitting)  
62-621 (Generic Permits)  
62-650 (Water Quality Based Effluent Limitations)  
62-660 (Industrial Wastewater Facilities)  
62-699 (Treatment Plant Classification and Staffing)  
62-701 (Solid Waste Management Facilities)  
62-702 (Solid Waste Combustor Ash Management)  
62-730 (Hazardous Waste)  
62-761 (Underground Storage Tank Systems)  
62-762 (Aboveground Storage Tank Systems)  
62-769 (Florida Petroleum Liability and Restoration Insurance Program)  
62-770 (Petroleum Contamination Site Clean-Up Criteria)  
62-780 (Contaminated Site Clean-Up Criteria)  
62-807 (Natural Gas Transmission Pipeline)  
62-814 (Electric and Magnetic Fields)  
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

**For Facilities in the Southwest Florida Water Management District:**

40D- 4 (Individual Environmental Resource Permits),  
40D-8 (Water Levels and Rates of Flow),

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40D-9 (District Land Use Rules),  
40D-40 (Standard General Environmental Resource Permits)  
Basis of Review for ERP Applications

### III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

B. Upon written notification to the Department, any holder of a certification issued pursuant to the PPSA 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), F.S.; subsection 62-4.160(10), F.A.C.]*

### 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 determined by the Department. As used herein, the following shall apply:

A. “Application” means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license application shall also include materials submitted for petitions for modification to the Conditions of Certification, as well as supplemental applications.

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

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

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

E. “DCA” means the Florida Department of Community Affairs.

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

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

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

M. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.

N. “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

O. “ARPC”, “CFRPC”, “ECFRPC”, “NCFRPC”, “NEFRPC”, “SFRPC”, “SWFRPC”, “TBRPC”, “TCRPC”, “WFRPC”, or “WRPC” means the Apalachee, Central Florida, East Central Florida, North Central Florida, Northeast Florida, South Florida, Southwest Florida, Tampa Bay, Treasure Coast, West Florida or Withlacoochee Regional Planning Council, respectively.

P. “ROW” means right-of-way.

Q. “Site” means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.

R. “NWF, SR, SJR, SWF, or SF WMD” means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively/

S. “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

### **V. TRANSFERABILITY OF DEFINITIONS**

Definitions in other Chapters of the Department's rules may be used to clarify the meaning of terms used in these Conditions unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these Conditions.

*[Rule 62-4.021, F.A.C.]*

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### VI. FEDERAL PERMITS

The following permits have been issued pursuant to federal programs and they are applicable to the certified facility. The Department may consider a violation of any of these federal permits as a violation of this license.

#### A. Air

The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in both Air Construction Permit No. PSD-FL-287 and Title V Air Operation Permit Number 1050221-014-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

##### 1. Air Construction Permit(s)

Air Construction permits PSD-FL-287, 1050334-002-AC, 1050334-003-AC, 1050334-005-AC, 1050334-006-AC, 1050334-007-AC, and 1050221-012-AC are incorporated by reference herein as part of this Certification and attached as Appendix I.

*[Chapter 62-212, F.A.C.]*

##### 2. Title V Permit

Title V Air Operation Permit 1050221-014-AV is incorporated by reference herein as part of this Certification and attached as Appendix II.

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

#### B. Water

##### 1. Industrial Wastewater Discharge

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit No. FLXXXXXXXXXX (not applicable to Osprey) as well as any subsequent modifications, amendments and/or renewals.

*[Chapter 62-621, F.A.C.]*

##### 2. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC permit No. XXXXX (not applicable to Osprey) as well as any subsequent modifications, amendments and/or renewals.

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

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

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

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

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

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

### 4. Multi-Sector Generic Permits

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable. Osprey Energy Center's MSGP is incorporated by reference herein as part of this Certification and the facility identification number is FLR05G127).

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

### 5. Discharge of Produced Ground Water

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

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

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

### C. Other

For informational purposes, it should be noted that other federal permits for the certified facility may include permits issued by federal agencies such as the U.S. Army Corp of Engineers, U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency.

## VII. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria. Final engineering design will be

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consistent and in substantial compliance with the preliminary information described in the Application and explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Section 403.516, 403.5315, 403.9418, 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. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

*Sections 403.516, 403.5315, and 403.9418, F.S.; Rules 62-17.211, 62-17.680, and 62-807.610, F.A.C.]*

### **VIII. NOTIFICATION**

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license the Licensee shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent 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.

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

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

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

### **IX. CONSTRUCTION PRACTICES**

#### **A. Local Building Codes**

For licenses issued under the PPSA any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

*[Section 403.531(4), F.S.]*

#### **B. Particulate Matter**

The Licensee shall take reasonable precautions to control emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C. The Licensee shall take appropriate measures to stabilize those portions of the certified area that are disturbed by construction or operation of the certified facility.

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

#### **C. Open Burning**

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., and Chapter 5I-2, F.A.C. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., Licensee shall seek approval from the

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applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by Licensee relating to open burning shall be submitted to the affected county, for any open burning that will take place in the affected county, for informational purposes.

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

### **D. Solid Wastes**

Solid wastes resulting from construction shall be disposed of in accordance with the applicable non-procedural requirements of Chapter 62-701, F.A.C.

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

### **E. Flood Control Protection**

Any new construction to the certified facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.

### **F. Vegetation**

For any new construction, the Licensee, to the extent feasible, will retain existing native (non-exotic) vegetation within the certified area and practice "best management practices" with respect to vegetation management in the certified area to the extent feasible and in compliance with Section 163.3209, F.S., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and 2133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

For areas located in Florida Department of Transportation (DOT) ROW's Chapter 7 of the Florida DOT *Utility Accommodation Manual* located at this web address <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf> shall serve as guidelines for best management practices.

*[Section 163.3209, F.S.]*

### **G. Underground Utilities**

During design and prior to construction of any linear facility, Licensee shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the ROW. Licensee shall provide the affected county and the Siting Office with a copy of the information received from Sunshine One Call. Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

*[Chapter 556, F.S.]*

### **H. Electric and Magnetic Fields**

Any transmission lines that are associated facilities shall comply with the applicable requirements of Chapter 62-814, F.A.C.

*[Rule 62-814, F.A.C.]*

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### **I. Wells**

Any existing wells in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(4), F.A.C., or with the rules of the authorizing agency.

*[Rule 62-532.440 and subsection 62-532.500(4), F.A.C.]*

### **J. Abandonment of Existing Septic Tanks**

Any existing septic tanks 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.]*

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 and 62-762, F.A.C.]*

## **X. RIGHT OF ENTRY**

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of DEP or other agencies with jurisdiction over a portion of the certified facility:

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 DEP, 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 DEP 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 Application or in any report to DEP or other agencies, such facts or information shall be promptly corrected and submitted.

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

## **XI. DISPUTE RESOLUTION**

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and the Licensee regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The applicant or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

*[Sections 403.527, 403.531 and 120.57, F.S.]*

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### **XII. SEVERABILITY**

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

### **XIII. ENFORCEMENT**

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification 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 a Condition of Certification 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. Abandonment of the certified facility will be considered grounds for enforcement action.

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.

*[Sections 403.121, 403.131, 403.141, 403.151, 403.161 and 403.514, 403.533, 403.9419 F.S.; Rules 62-4.160(1) and 62-4.160(9)]*

### **XIV. REVOCATION OR SUSPENSION**

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.512, 403.532 and 403.9425 F.S., or for violations of any of these Conditions of Certification. This License is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. 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, 403.532 and 403.9425, F.S. and Rule 62-4.160(2), F.A.C.]*

### **XV. SAFETY**

As provided in subsections 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 that may be required for other aspects of the certified facility which are not addressed in this License. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this certified facility, or from penalties therefore.

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

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### **XVI. HERBICIDES**

For licenses issued under the TLSA and/or NGSPA herbicides applied at the site or in any ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations 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.

*[Sections 403.061, 403.088, 487.031 and 487.041, F.S.]*

### **XVII. CIVIL AND CRIMINAL LIABILITY**

A. This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

B. This license is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs.

*[Sections 403.141, 403.161, 403.511, 403.531, 403.9416, F.S.]*

### **XVIII. PROPERTY RIGHTS**

A. The issuance of this certification conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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

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

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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 to the satisfaction of the Department.

*[Chapters 253 and 258, and Sections 403.511, 403.531, and 403.9416, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]*

### **XIX. PROCEDURAL RIGHTS**

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.

*[Chapter 120, and Sections 403.511(5)(c), 403.531(5), and 403.9416(4), F.S.]*

### **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 Licensee and DEP are notified in writing of an agency’s change in address for such submittals and notices:

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

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

Florida Department of Community Affairs  
Office of the Secretary  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

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

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

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

Central Florida Regional Planning Council  
Office of the Executive Director  
555 East Church Street  
Bartow, FL 33830

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

City of Auburndale  
City Attorney Office  
P.O. Box 186  
Auburndale, FL 33823

*[Section 403.511, 403.531 and 403.9416, F.S.]*

### **XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS**

#### **A. Purpose of Submittals**

Conditions of Certification 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 the Conditions of Certification, without further agency action.

#### **B. Filings**

All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to any Condition of Certification. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with

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regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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 the Conditions of Certification where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

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

*[subsection 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, 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.

*[subparagraph 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 the Conditions of Certification has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an

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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, Licensee shall conduct a field inspection with 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 whether there is demonstration of compliance with the conditions of certification. If it is determined that compliance with these conditions has not been provided, 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.

### ***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 the Conditions of Certification and the subsequently submitted construction details.

### ***G. Revisions to Design Previously Reviewed for Compliance***

The Licensee shall submit to DEP, and/or applicable agencies, proposed revisions to post-certification submittals for review. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

### ***H. Variation to Submittal Requirements***

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

### ***I. Disputes***

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

*[Sections 120.569, 373.413, 373.416, 403.511, 403.531 and 403.9416, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]*

## **XXII. POST CERTIFICATION AMENDMENTS**

If, subsequent to certification, a Licensee proposes any material change to the application 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 application to the

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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 of Certification.

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

B. If the Department concludes that the change would require a modification to the conditions of certification, the Department shall provide written notification to the Licensee that the proposed change to the application requires a request for modification pursuant to 403.516, and 403.5317, F.S.

*[Section 403.5113, F.S.]*

### **XXIII. MODIFICATION OF CERTIFICATION**

A. Pursuant to Section 403.516(1)(a), 403.5315(1), and 403.9418(1)(a), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department of Environmental Protection to modify, after notice and receipt of no objection by a party or other substantially affected person, any conditions which would not otherwise require approval by the Siting Board. In addition, the Department is delegated the authority to modify conditions as follows:

The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. In the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.

B. 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

C. Requests which include alterations to the landscape regulated under Part IV of Chapter 373 (relevant to environmental resource permitting), F.S may require modification to the Conditions of Certification. Activities meeting any one of the below criteria may require a modification to these conditions. An activity may be considered a modification if:

1. the activity requires a new site inspection by the Department in order to evaluate the request;
2. the activity necessitates a change to the Conditions of Certification;
3. the activity substantially
  - a. increases the authorized discharge;
  - b. results in different or increased impacts on wetlands and other surface waters, as delineated by the methodology ratified by section 373.4211, F.S., and codified in Chapter 62-340, F.A.C;

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- c. decreases the retention/detention specified by the current application/license;
  - d. decreases any flood control elevations for roads or buildings specified by the current application/license; or
  - e. increases the certified facility area; or
4. the activity occurs on sovereign (or state-owned) submerged lands.

For approval of activities governed by the Department's program for Environmental Resource Permits, the Licensee shall submit a completed application Form# 62-343.900(1) (as required in Rules 62-343.070(2) and 62-343.090(2)(b), F.A.C.) with its petition for modification.

D. Any anticipated facility change which results in a change to the certified area must be accompanied by a map or aerial photo showing the proposed new boundaries of the certified area. The Department may consider any such change to be a modification of the Conditions of Certification, including those changes that would otherwise be considered an amendment to the Site Certification Application. Within 60 days after completion of construction of the new project the Licensee shall provide: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as a legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the new boundaries of the certified area. The survey and aerial photograph shall be attached hereto as Attachment A.

E. The Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

*[Sections 120.569(2)(n), 403.511(5)(a), 403.516, 403.5315, and 403.9418, F.S.; Rule 62-17.211 and Chapter 62-343, F.A.C.]*

### **XXIV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES**

The operation of the certified facility shall be in accordance with all applicable provisions of any state or local government permit issued prior to certification. All such state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in these permits. The inadvertent omission of any state or locally issued permit from these Conditions of Certification does not relieve the Licensee from compliance with the substantive provisions and limitations set forth in those permits.

At any time following certification, should the Licensee become aware of any state or locally issued permit not included herein, the Licensee shall promptly notify the Siting Office for incorporation into these Conditions of Certification. Likewise, when the Department is made aware of any separately issued permits, the Conditions of Certification will be modified accordingly to incorporate the substantive provisions and limitations of any such permit.

Such provisions shall be fully enforceable as conditions of this certification and may only be amended or modified in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification.

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### **XXV. COASTAL ZONE CONSISTENCY**

Pursuant to Section 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 380.23 and 403.511(7), F.S.]*

### **XXVI. FINANCIAL RESPONSIBILITY**

The Department may require the Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond in those instances where the Department is authorized to require proof of financial responsibility or a bond pursuant to a law or Department rule that is applicable to the Certified Facility.

*[Rule 62-4.110, F.A.C.]*

### **XXVII. TRANSFER OF CERTIFICATION**

This certification is transferable in whole or in part, upon Department approval, to an entity determined to be competent to construct, operate and maintain the certified facility in accordance with these Conditions of Certification. The Department will consider whether the entity is a proper applicant as defined by the PPSA, TLSA and/or NGPSA, in making its approval. 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. A copy of the necessary form may be obtained by contacting the Siting Coordination Office. Upon approval the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C. In the event of the dissolution of a certified 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, TLSA and/or NGPSA. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

### **XXVIII. LABORATORIES AND QUALITY ASSURANCE**

Chemical, physical, biological, microbiological and toxicological data used by the Department 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 62-160, F.A.C.

*[Rule 62-160, F.A.C.]*

### **XXIX. 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

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Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit (ERP)*, DEP Forms 62-343.900(1), or 62-346.900(1) and 62-312.900(1) for activities in Northwest Florida. These forms may be submitted; a) as a post-certification submittal following approval of a project through an amendment, modification or certification; or b) concurrently with an amendment request, petition for modification, or site certification application. Such ERP applications, once received, shall be reviewed in accordance with the standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

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

No construction shall commence until the appropriate notification from the Department has been received.

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

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

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

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

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

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

*[Sections 373.421, 403.504, 403.523, and 403.9404, F.S.]*

### **B. Surface Water Management**

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

2. All construction, operation, and maintenance shall be as set forth in the plans, specifications and performance criteria contained in the Department's files and approved by

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this license. Any alteration or modification to the stormwater system as licensed requires prior approval from the Department.

3. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. The Department 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. All dewatering discharges must be in compliance with Rule 62-621.302, F.A.C.

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

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## SECTION A: GENERAL CONDITIONS

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7. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the submitted DEP Form prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity

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

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

10. The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. Following inspection of any system approved by the Department utilizing DEP Form 62-343.900(6) or 62-346.900(6) as applicable, the Licensee shall request transfer of the license to the responsible operation and maintenance entity approved by the Department, if different from the Licensee utilizing DEP Form 62-343.900(7) or 62-346.900(8) as applicable. Until a transfer is approved by the Department pursuant to paragraph 62-343.110(1)(d) or Rule 62-346.130, F.A.C., as applicable, the Licensee shall be liable for compliance with the terms of the license.

*[Chapters 62-25, 62-302, 62-330, 62-343, and 62-346, F.A.C., 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 avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible.

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

*[Sections 373.413, 373.414, 373.4145, 403.511, 403.531, 403.814(6), and 403.9416, F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]*

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## SECTION A: GENERAL CONDITIONS

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### **XXX. THIRD PARTY IMPACTS**

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

*[Sections 403.506(1), 403.524(1), and 403.9405(1), F.S.]*

### **XXXI. 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 of Certification, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these Conditions and when required by Department rules.

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

### **XXXII. RECORDS MAINTAINED AT THE FACILITY**

A. These Conditions of Certification or a copy thereof shall be kept at the work site of the Certified Facility.

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

C. The Licensee shall hold at the certified facility, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this certification, copies of all reports required by these Conditions, and records of all data used to complete the Application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

D. Records of monitoring information shall include:

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

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

### **XXXIII. 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

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## SECTION A: GENERAL CONDITIONS

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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 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

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, 62-522, and 62-550, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. All dewatering discharges must be in compliance with Rule 62-621.302, F.A.C.

*[Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C., and Rule 62-621.302, F.A.C.]*

### **B. Wastewater Incident Reporting**

1. The Licensee shall report to the Department any unauthorized discharge to surface or ground waters. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

- a. Name, address, and telephone number of person reporting;
- b. Name, address, and telephone number of permittee or responsible person for the discharge;
- c. Date and time of the discharge and status of discharge (ongoing or ceased);
- d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
- e. Estimated amount of the discharge;
- f. Location or address of the discharge;

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## SECTION A: GENERAL CONDITIONS

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- g. Source and cause of the discharge;
  - h. Whether the discharge was contained on-site, and cleanup actions taken to date;
  - i. Description of area affected by the discharge, including name of water body affected, if any; and
  - j. Other persons or agencies contacted.
3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

*[Chapter 376, F.S.; subsection 62-620.610(20), F.A.C.]*

### **XXXIV. SOLID AND HAZARDOUS WASTE**

#### **A. Solid Waste**

The Licensee shall comply with all applicable provisions of Chapter 62-701 and 62-702, F.A.C. for any solid waste generated within the certified facility during construction and/or operation.

*[Chapters 62-701 and 62-702, F.A.C.]*

#### **B. Hazardous Waste**

The Licensee shall comply with all applicable provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

*[Chapter 62-730, 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 facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Warning Point Number, (850) 488-1320, within one working day of discovery of the release.
2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.
3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

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

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## SECTION A: GENERAL CONDITIONS

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### **D. Water Quality Reporting Requirements**

All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

1. Cover letter;
2. Summary of exceedances and recommendations;
3. Ground water contour maps;
4. Chain of custody forms;
5. Water levels, water elevation table;
6. Ground Water Monitoring Report Certification, using the appropriate Department form;
7. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
8. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent both to:

Florida Department of Environmental Protection  
[District name] District Office  
[address]  
[city], Florida [zip code]

And to:

Florida Department of Environmental Protection  
Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida, 32399-2400

And to:

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

*[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]*

### **XXXV. 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 62-

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## SECTION A: GENERAL CONDITIONS

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761, and 62-762, F.A.C. in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

### **A. Incident Notification Requirements.**

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

### **B. Discharge Reporting Requirements**

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

### **C. Discharge Cleanup**

If a discharge of a regulated substance occurs at a facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, 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 and 62-762, F.A.C.]*

## **XXXVI. SCREENING**

The Licensee shall comply with applicable local government requirements concerning the screening of the certified facility.

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## SECTION B: SPECIFIC CONDITIONS

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### SECTION B: SPECIFIC CONDITIONS

#### I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### *A. Facilities Operation*

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

##### *B. Adverse Impact*

The Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

##### *C. Surface Water Quality Standard*

A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

##### *D. Regulatory and Surveillance Fee(s)*

The Licensee, in accepting these Conditions, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.

##### *E. Abandonment of Wastewater Facility*

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

##### *F. Environmental Control Program*

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Permittee shall notify the DEP Southwest District office

#### II. DEPARTMENT OF TRANSPORTATION

A. Traffic control will be maintained during plant construction and maintenance in compliance with the applicable standards contained in the Manual on Uniform Traffic Control Devices; Statewide Minimum Level of Service Standards, Rule Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Roadway and Traffic Design

## **SECTION B: SPECIFIC CONDITIONS**

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Standards; and Florida Department of Transportation Standard Specifications for Road and Bridge Construction, whichever is more stringent.

B. For the delivery of any overweight or overdimensional loads to the site during the construction of the Facility, the Licensee or their contractors shall adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

C. No new permanent access to the State Highway System is proposed in the site certification application. Any temporary construction access must meet permitting requirements 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, Florida Administrative Code.

D. Any use of State of Florida right of way or transportation facilities is subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and Rule 14-46.001, Railroad/Utility Installation or Adjustment, Florida Administrative Code.

E. Operation of overweight/overdimensional vehicles by the Licensee on State transportation facilities during construction and operation of the Osprey Energy Center will be subject to the requirements of Chapter 316, F.S., and Rule Chapter 14-26, F.A.C., Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles.

F. Any drainage onto State of Florida right of way or transportation facilities is subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code.

### **III. DEPARTMENT OF COMMUNITY AFFAIRS**

A. The Licensee shall develop a Comprehensive Hurricane Preparation and Recovery Plan for the Osprey Energy Center and shall submit that plan to the Department of Community Affairs and the Polk County Office of Emergency Management no later than commencement of construction of the Osprey Energy Center.

B. The Licensee shall submit a formal update of the Comprehensive Hurricane Preparation and Recovery Plan to the Department of Community Affairs and the Polk County Office of Emergency Management every five (5) years following commencement of commercial operation of the Osprey Energy Center.

### **IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES**

A. Prior to any construction 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

## SECTION B: SPECIFIC CONDITIONS

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discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

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

*[Sections 267.061 and 403.531, and Chapter 372, F.S.]*

### **V. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

#### **A. General Conditions (Chapters 40D-2 and 40D-3, F.A.C.)**

1. If any of the statements in the application and in the supporting data are found to be materially untrue and/or inaccurate, or if the Licensee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Southwest Florida Water Management District (SWFWMD) shall take appropriate action which may include suspension or revocation of this Site Certification.

2. This certificate 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 the SWFWMD that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the SWFWMD shall initiate action which may include suspension or revocation of this Siting Certification.

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

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

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

6. The Licensee shall provide access to an authorized Department or SWFWMD representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Licensee shall either accompany Department and SWFWMD staff onto the property or make provision for access onto the property.

7. Issuance of this Site Certification does not exempt the Licensee from any other SWFWMD permitting requirements.

8. The 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 SWFWMD Governing Board.

## SECTION B: SPECIFIC CONDITIONS

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9. The Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize stormwater runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for the Licensee's water use classification, the SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

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

11. The Licensee shall mitigate, to the satisfaction of the SWFWMD, any adverse impact to existing legal uses caused by withdrawals from the project withdrawals. When adverse impacts occur or are imminent, the 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 introduction of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.

12. The Licensee shall mitigate to the satisfaction of the SWFWMD any adverse impact to environmental features or off-site land uses caused by the project withdrawals. When adverse impacts occur or are imminent, the 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 Damage to the habitat of endangered or threatened species.

### ***B. Specific Conditions***

- 1. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
- 2. The Licensee must notify the SWFWMD within 30 days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.
- 3. All plans or reports pertaining to water use and or management as required by these Conditions of Certification shall be submitted to the SWFWMD on or before the tenth day of the month following data collection and shall be addressed to:

Permit Data Section, Records and Data Department

## SECTION B: SPECIFIC CONDITIONS

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by these Conditions of Certification.

### 4. Water Supply

a. Since the Osprey Energy Center will receive increasing quantities of reclaimed water of suitable quality from the City of Auburndale's Allred Wastewater Treatment Plant (WWTP), phased reductions in the ground water withdrawals will be required.

(1) The groundwater withdrawal quantities [i.e. the total combined withdrawals from SWFWMD ID Nos. 1, 2, and 3, (Osprey Energy Center ID Nos. 1, 2, and 3)] in gallons per day (gpd) will be decreased in approximate proportion to the increased use of reclaimed water as follows:

| Calendar Year | Allred WWTP          | Groundwater Withdrawal |                  |
|---------------|----------------------|------------------------|------------------|
|               | Annual Average (gpd) | Annual Average (gpd)   | Peak Month (gpd) |
| 2002          | 807,800              | 2,742,200              | 4,006,000        |
| 2003          | 837,700              | 2,722,300              | 3,977,000        |
| 2004          | 857,600              | 2,712,400              | 3,957,700        |
| 2005          | 887,600              | 2,682,400              | 3,928,600        |
| 2006          | 917,500              | 2,672,400              | 3,899,600        |
| 2007          | 937,400              | 2,652,600              | 3,880,300        |
| 2008          | 967,300              | 2,642,800              | 3,851,200        |
| 2009          | 997,300              | 2,632,700              | 3,822,200        |
| 2010          | 1,027,200            | 2,602,800              | 3,793,100        |
| 2011          | 1,047,100            | 2,582,900              | 3,773,800        |
| 2012          | 1,077,000            | 2,573,000              | 3,744,700        |
| 2013          | 1,107,000            | 2,543,000              | 3,715,700        |
| 2014          | 1,136,900            | 2,536,900              | 3,686,700        |
| 2015          | 1,156,800            | 2,523,200              | 3,667,300        |
| 2016          | 1,186,700            | 2,516,700              | 3,638,300        |
| 2017          | 1,216,700            | 2,486,700              | 3,609,200        |
| 2018          | 1,246,600            | 2,483,400              | 3,580,200        |
| 2019          | 1,266,700            | 2,463,500              | 3,560,900        |
| 2020          | 1,296,400            | 2,433,600              | 3,531,800        |

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|------|-----------|-----------|-----------|
| 2021 | 1,346,300 | 2,413,700 | 3,483,800 |
| 2022 | 1,396,200 | 2,393,800 | 3,343,500 |

(2) To the extent that the Osprey Energy Center receives the quantity of suitable quality reclaimed water from the Allred WWTP during a calendar year, as specified in Condition XIV.B.4.a.(1), the Osprey Energy Center may not exceed the corresponding ground water use allowance.

(3) To the extent that the Osprey Energy Center does not receive the quantity of suitable quality reclaimed water from the Allred WWTP during a calendar year, as specified in Condition XIV.B.4.a.(1), the Osprey Energy Center may not exceed a combined total reclaimed water and ground water Annual Average quantity of 3,790,000 gpd nor a combined total reclaimed water and ground water Peak Month quantity of 4,740,000 gpd. In no case is the Osprey Energy Center authorized to withdraw ground water in excess of an Annual Average of 2,742,200 gpd nor a Peak Month quantity in excess of 4,006,000 gpd.

(4) The Annual Average Daily and Peak Month Daily quantities for SWFWMD ID Nos.1, 2, and 3, (Osprey Energy Center ID Nos. 1, 2, and 3), shown above in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. 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 2,742,200 gpd on an average basis and 4,006,000 gpd on a peak monthly basis. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

b. The Osprey Energy Center is not required to accept reclaimed water in amounts which exceed the power plant's demand and storage capacity.

5. No later than April 1, of each year, the Licensee shall submit to SWFWMD and the Department a water use summary report for the preceding calendar year. The summary shall include:

- a. Water use source and quantity data;
- b. The Monthly Average Daily and Annual Average Daily quantities of reclaimed water received from the Allred WWTP;
- c. The Monthly Average Daily and Annual Average Daily quantities of ground water pumpage;
- d. The Monthly Average Daily and Annual Average Daily totals of reclaimed and ground water received; and
- e. If the Osprey Energy Center does not receive the quantity of suitable quality reclaimed water from the Allred WWTP, as specified in Condition XIV.B.4.a.(1), and exceeds the corresponding Annual Average Daily or Peak Month Daily ground water withdrawal allowance during the same calendar year, the Licensee shall explain why the receipt of reclaimed water from the Allred WWTP was less than projected.

## SECTION B: SPECIFIC CONDITIONS

6. The Licensee shall continue to investigate the feasibility of using additional reclaimed water as a water source and submit a report describing the findings of the feasibility investigation to the Permits Data Section no later than April 1, of the years 2007, 2012, and 2017. The report shall contain an analysis of potential reclaimed water sources in the area, including the location of those sources, the quantity of reclaimed water available, the projected date(s) of availability, and costs associated with obtaining and transporting the reclaimed water to the Osprey Energy Center site. At such time as the SWFWMD determines that use of additional reclaimed water is environmentally, technically, and economically feasible, an implementation schedule shall be developed and these Conditions of Certification shall be modified to reduce, by the amount of additional reclaimed water, the quantity of ground water authorized for consumption by the Osprey Energy Center.

7. Within 90 days of issuance of the Site Certification or completion of construction of the withdrawal facility, whichever is later, and prior to the activation of a stand-by source, SWFWMD ID Nos. 1, 2 and 3, Osprey Energy Center ID Nos. 1, 2, and 3, shall be equipped with non-resettable, totalizing flow meter(s), or other measuring device(s) as approved in writing by the SWFWMD Regulation Department Director, Resource Regulation unless an extension is granted by the Director. Such device(s) shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permit Data Section (using SWFWMD forms) on or before the tenth day of the following month. If a metered well is not utilized during a given month, a report shall be submitted to the Permit Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

8. Within 90 days of issuance of the Site Certification or 90 days prior to the delivery of reclaimed water, whichever is later, the reclaimed water delivery point, SWFWMD ID No. 50, Osprey Energy Center ID No. R-1, through which reclaimed water will be received at the Osprey Energy Center, shall be equipped with non-resettable totalizing flow meters, or other flow measuring devices or methods as approved in writing by the Regulation Department Director, Resource Regulation. Such devices or methods shall have and maintain an accuracy within 5 percent of the actual flow as installed. Total flow and meter readings from the metered flow shall be recorded on a monthly basis and reported to the Permit Data Section (using SWFWMD forms) on or before the 10<sup>th</sup> day of the following month.

### 9. Well Water Sampling

a. Water quality samples shall be collected and analyzed as specified below.

| SWFWMD ID No. | Osprey Energy Center ID No. | Minimum Pumping Time (minutes) | Sampling                 |                                 |
|---------------|-----------------------------|--------------------------------|--------------------------|---------------------------------|
|               |                             |                                | Parameters               | Months                          |
| 1             | 1                           | 30                             | Chlorides, Sulfates, TDS | February, May, August, November |

Note: samples shall be collected in the first week of the sampling month.

## SECTION B: SPECIFIC CONDITIONS

b. Analyses shall be performed according to procedures outlined in the current edition of *Standard Methods for the Examination of Water and Wastewater* by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or *Methods for Chemical Analyses of Water and Wastes* by the U.S. Environmental Protection Agency (EPA).

c. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in condition a. above, 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 that will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Regulation Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permit Data Section (using SWFWMD forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis in these Conditions of Certification may be modified as necessary to ensure the protection of the resource.

10. Within 90 days of completion of construction of the power generation facility, the Licensee shall install and maintain a continuous recording rain gauge in the area around SWFWMD ID No. 1. Total daily rainfall shall be recorded at this station and submitted to the Permit Data Section, on SWFWMD forms on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. Final location shall be submitted plotted on an original blue line aerial map or United States Geological Survey quadrangle map, or by providing latitude - longitude location.

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

### 12. Well Construction

a. The Licensee shall construct all wells according to the surface diameter and a casing depth specifications below. NOTE: The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. When a total depth is listed, it is an estimate based on best currently available information of the depth at which high producing zones are encountered. However, during well construction, it is the Licensee's responsibility to have the water in the well sampled before reaching the estimated total depth. This is to ensure that the well does not encounter water of a quality that cannot be utilized at the Osprey Energy Center and to ensure that withdrawals from the well will not cause saltwater intrusion.

| SWFWMD | Osprey Energy | Surface | Minimum Cased | Estimated |
|--------|---------------|---------|---------------|-----------|
|--------|---------------|---------|---------------|-----------|

## SECTION B: SPECIFIC CONDITIONS

| ID No. | Center ID No | Diameter | Depth | Total Depth |
|--------|--------------|----------|-------|-------------|
| 1      | 1            | 16"      | 150'  | 700'        |
| 2      | 2            | 16"      | 150'  | 700'        |
| 3      | 3            | 16"      | 150'  | 700'        |

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

c. All well casing (including liners and/or pipe) must be sealed to the depth specified in Condition a. above.

d. The wells shall be constructed of materials that are resistant to degradation of the casing and grout.

e. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

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

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

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

### 13. Aquifer Performance Test (APT)

a. At least one year prior to the planned withdrawals from the first of SWFWMD ID No. 1 through 3, (Osprey Energy Center ID No. 1 through 3), the Licensee shall submit a detailed plan for a long-term aquifer performance test for approval by the Regulation Department Director, Resource Regulation.

b. The test shall be conducted for a sufficient length of time to allow determination of the leakance parameter between the surficial and intermediate aquifers and the leakance parameter between the intermediate and Upper Floridan aquifers.

c. The test shall include collection of water quality data as specified in Condition XIV.B.9.a.

d. To the best of the Licensee's ability, test shall be conducted during a period of minimum nearby pumpage and during a period of minimum rainfall to minimize interference with the test.

e. The test shall take place prior to initiation of pumpage from the Osprey Energy Center wells.

f. A report of the results of the test, including all raw data and analyses, shall be provided to the Permit Data Section within 30 days of the completion of the test.

## SECTION B: SPECIFIC CONDITIONS

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g. If SWFWMD determines that any of the aquifer characteristics vary significantly from those used in the groundwater flow model submitted with the SCA, the Licensee shall submit an updated groundwater flow model to the Regulation Department Director, Resource Regulation. This model shall utilize the actual aquifer characteristics determined during the APT to predict impacts due to groundwater withdrawals at this site. If new modeling is required and it indicates that there are adverse impacts not indicated in the SCA, the Licensee may be required to amend the SCA or seek modification of these Conditions of Certification in accordance with Condition XI.

14. The Licensee shall begin carrying out the provisions of its SWFWMD approved conservation plan, dated March 30, 2000, upon receipt of this Certification. The Licensee shall submit progress reports concerning implementation of the plan on April 1, of the years 2007, 2012, and 2017.

### ***C. Surface Water***

There will be no intake from or direct discharge to surface Waters of the State associated with the construction or operation of the Osprey Energy Center.

### ***D. Water Resource Complaints***

1. The Licensee shall investigate water resource complaints within the area within 425 feet of the property boundary. The complaint handling/mitigation procedure shall be as follows:

a. Within 48 hours of notification of a complaint, the Licensee shall perform a preliminary investigation to determine if the Osprey Energy Center's withdrawals are the cause of the problem stated in the complaint.

(1) If the preliminary investigation indicates that the Osprey Energy Center withdrawals are responsible, the Licensee shall:

(a) within 72 hours of notice of complaint, supply the complainant with any water necessary for health and safety purposes; and

(b) conduct a detailed investigation of the complaint and if the detailed investigation confirms that the complainant's problem was caused by the Osprey Energy Center's withdrawals, corrective action shall be undertaken by the Licensee within 15 days of notice of complaint.

(2) If the preliminary assessment indicates that Osprey Energy Center withdrawals are not responsible for the complainant's problem, the Licensee shall document the reasons for this determination.

b. The Licensee shall file a report of the complaint investigation with the Regulation Department Director, Resource Regulation, for review and approval within 20 days of the receipt of notice of complaint.

(1) The report shall include:

- (a) the name and address of the complainant;
- (b) the date and nature of the complaint;
- (c) a summary of the Licensee's investigation;

## SECTION B: SPECIFIC CONDITIONS

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(d) a summary of the Licensee's determination, including details of any mitigation activities; and

(e) cost of mitigation activity for each complaint.

(2) A copy of the report shall also be sent to the complainant within 20 days of notice of complaint.

### VI. CITY OF AUBURNDALE

#### A. Industrial Wastewater

Any ~~All~~ industrial wastewater is to be discharged into an underground pipeline owned and operated by the City of Auburndale. ~~and through which the wastewater is conveyed to the City of Auburndale's Wastewater Treatment Plants system~~ Should there be any change in the conveyance or treatment system at Osprey Energy Center that adversely affects the treatment of wastewater ~~from the Osprey Energy Center~~, these Conditions of Certification may need to be modified in accordance with Condition XXIV.

#### B. Domestic Water

Any ~~All~~ domestic wastewater is to be discharged into an underground pipeline owned and operated by the City of Auburndale. ~~and through which the wastewater is conveyed to the City of Auburndale's Wastewater Treatment Plants system~~ Should there be any change in the conveyance or treatment system at Osprey Energy Center that adversely affects the treatment of wastewater ~~from the Osprey Energy Center~~, these Conditions of Certification may need to be modified in accordance with Condition XXIV.

#### C. Potable Water

Potable water is to be received from the existing City of Auburndale potable water treatment and distribution system. Should there be any change in this system that adversely affects the delivery of adequate potable water to the Osprey Energy Center these Conditions of Certification may need to be modified in accordance with Condition XXIV.

#### D. Vegetation

The Licensee shall develop the site so as to establish a buffer of natural vegetation as required by the City of Auburndale.

#### E. Noise

Steam blows of Osprey Energy Center's HRSG and steam lines are approved between 7:00am and sunset with area resident notification.

### VII. POLK COUNTY

The Licensee will comply with any applicable county land development regulations.

[Ordinance 00-09; ss. 704, 804 and 905; Polk County Code]

### History

Certified 06/27/01; signed by Governor Bush

Modified 01/09/06; signed by Siting Administrator Owen

Modified XX/XX/XX; signed by Siting Administrator Halpin