

**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

Kissimmee Utility Authority/Florida Municipal Power Agency  
*Cane Island Power Park*

*PA 98-38E*

**Modified February XX, 2010**

## Table of Contents

|              |                                                                      |           |
|--------------|----------------------------------------------------------------------|-----------|
| <b>I.</b>    | <b>GENERAL .....</b>                                                 | <b>1</b>  |
| A.           | <i>Definitions .....</i>                                             | <i>1</i>  |
| B.           | <i>Applicable Rules .....</i>                                        | <i>2</i>  |
| <b>II.</b>   | <b>CHANGE IN DISCHARGE .....</b>                                     | <b>2</b>  |
| <b>III.</b>  | <b>GENERAL CONDITIONS.....</b>                                       | <b>2</b>  |
| A.           | <i>Facilities Operation .....</i>                                    | <i>2</i>  |
| B.           | <i>Non-Compliance Notification .....</i>                             | <i>3</i>  |
| C.           | <i>Spill Notification .....</i>                                      | <i>3</i>  |
| D.           | <i>Safety.....</i>                                                   | <i>3</i>  |
| E.           | <i>Enforcement .....</i>                                             | <i>4</i>  |
| F.           | <i>Design and Performance Criteria.....</i>                          | <i>4</i>  |
| G.           | <i>Certification - General Conditions .....</i>                      | <i>4</i>  |
| H.           | <i>Laboratories and Quality Assurance .....</i>                      | <i>8</i>  |
| I.           | <i>Procedures for Post-Certification Submittals .....</i>            | <i>8</i>  |
| <b>IV.</b>   | <b>ADVERSE IMPACT .....</b>                                          | <b>9</b>  |
| <b>V.</b>    | <b>RIGHT OF ENTRY .....</b>                                          | <b>9</b>  |
| <b>VI.</b>   | <b>REVOCATION OR SUSPENSION.....</b>                                 | <b>10</b> |
| <b>VII.</b>  | <b>CIVIL AND CRIMINAL LIABILITY .....</b>                            | <b>10</b> |
| <b>VIII.</b> | <b>PROPERTY RIGHTS .....</b>                                         | <b>10</b> |
| <b>IX.</b>   | <b>SEVERABILITY .....</b>                                            | <b>10</b> |
| <b>X.</b>    | <b>REVIEW OF SITE CERTIFICATION.....</b>                             | <b>10</b> |
| <b>XI.</b>   | <b>MODIFICATION OF CONDITIONS.....</b>                               | <b>11</b> |
| <b>XII.</b>  | <b>CONSTRUCTION.....</b>                                             | <b>11</b> |
| A.           | <i>Standards and Review of Plans.....</i>                            | <i>11</i> |
| B.           | <i>Control Measures .....</i>                                        | <i>12</i> |
| C.           | <i>Environmental Control Program.....</i>                            | <i>13</i> |
| D.           | <i>Reporting .....</i>                                               | <i>13</i> |
| <b>XIII.</b> | <b>AIR .....</b>                                                     | <b>13</b> |
| A.           | <i>General and Administrative Requirements .....</i>                 | <i>13</i> |
| <b>XIV.</b>  | <b>STORMWATER DISCHARGE .....</b>                                    | <b>14</b> |
| <b>XV.</b>   | <b>DOMESTIC WASTEWATER.....</b>                                      | <b>14</b> |
| <b>XVI.</b>  | <b>DRINKING WATER FACILITIES .....</b>                               | <b>15</b> |
| A.           | <i>Use of Existing Facilities .....</i>                              | <i>15</i> |
| B.           | <i>Prior Approval .....</i>                                          | <i>15</i> |
| C.           | <i>Construction.....</i>                                             | <i>16</i> |
| <b>XVII.</b> | <b>NPDES AND INDUSTRIAL WASTES.....</b>                              | <b>18</b> |
| A.           | <i>Surface Water Discharge.....</i>                                  | <i>18</i> |
| B.           | <i>Effluent Limitations and Monitoring Requirements:.....</i>        | <i>19</i> |
| C.           | <i>Other Limitations and Monitoring Requirements .....</i>           | <i>23</i> |
| D.           | <i>Reopener Clause .....</i>                                         | <i>24</i> |
| E.           | <i>Stormwater from Diked Petroleum Storage or Handling Area.....</i> | <i>24</i> |
| F.           | <i>Operation and Maintenance Requirements .....</i>                  | <i>25</i> |
| G.           | <i>Compliance Schedule .....</i>                                     | <i>25</i> |

|                |                                                                |           |
|----------------|----------------------------------------------------------------|-----------|
| H.             | Specific Conditions Applicable to All Permits .....            | 25        |
| I.             | Duty to Reapply .....                                          | 26        |
| J.             | Specific Conditions Related to Best Management Practices ..... | 26        |
| <b>XVIII.</b>  | <b>GROUNDWATER .....</b>                                       | <b>26</b> |
| A.             | Monitoring Plan .....                                          | 26        |
| B.             | Groundwater Monitoring Requirements .....                      | 26        |
| C.             | General Ground Water Conditions:.....                          | 27        |
| <b>XIX.</b>    | <b>TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS .....</b>         | <b>27</b> |
| A.             | Spills .....                                                   | 27        |
| B.             | Handling and Testing of Potentially Hazardous Material.....    | 27        |
| <b>XX.</b>     | <b>BY-PRODUCT AND SOLID WASTE STORAGE .....</b>                | <b>28</b> |
| A.             | Solid Waste General.....                                       | 28        |
| B.             | By-Product & Solid Waste Site Specific Standards.....          | 28        |
| <b>XXI.</b>    | <b>FEDERAL OPERATING PERMITS AND FEES .....</b>                | <b>28</b> |
| A.             | DEP Responsibilities.....                                      | 28        |
| B.             | KUA Responsibilities.....                                      | 28        |
| <b>XXII.</b>   | <b>CONSTRUCTION OF LINEAR FACILITIES .....</b>                 | <b>28</b> |
| <b>XXIII.</b>  | <b>SOUTH FLORIDA WATER MANAGEMENT DISTRICT.....</b>            | <b>29</b> |
| A.             | Legal/Administrative Conditions.....                           | 29        |
| B.             | Water Use Conditions.....                                      | 32        |
| C.             | Surface Water Management Conditions .....                      | 36        |
| D.             | Environmental Conditions .....                                 | 41        |
| <b>XXIV.</b>   | <b>DEPARTMENT OF COMMUNITY AFFAIRS .....</b>                   | <b>45</b> |
| A.             | Hurricane Preparation Plan.....                                | 45        |
| B.             | Plan Compliance.....                                           | 45        |
| <b>XXV.</b>    | <b>DEPARTMENT OF TRANSPORTATION .....</b>                      | <b>45</b> |
| A.             | Access to State Highways .....                                 | 45        |
| B.             | Historical or Cultural Resources .....                         | 45        |
| C.             | Transmission Line Construction.....                            | 46        |
| D.             | Best Management Practices .....                                | 46        |
| <b>History</b> | <b>.....</b>                                                   | <b>46</b> |

## **LIST OF ATTACHMENTS & APPENDICES**

**Appendix I** Title V Air Operation Permit (0970043-017-AV)

**Appendix II** PSD –FL-254

**Appendix III** PSD –FL-400 (0970043-014-AC)

**Appendix IV** IWW Permit FLA010961

## **I. GENERAL**

The following general and specific conditions shall apply to the construction and operation of the Cane Island Power Park. Prior to the completion of Cane Island Unit 3, the Cane Island Power Park may operate in accordance with existing permits.

Within 90 days of the commencement of commercial operation on Unit 3, the Kissimmee Utility Authority (KUA) shall surrender any existing non-federal state operating permits for Units 1 and 2 at the Cane Island Power Park.

### **A. Definitions**

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by the Department. As used herein:

1. "Application" shall mean the Site Certification Application (SCA) for the Cane Island Units 1-3, as supplemented.
2. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.
3. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
4. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.
5. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
6. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.
7. "Licensee/permittee" shall mean an applicant which has obtained a certification order for the subject electrical power plant, in this instance, the Kissimmee Utility Authority (KUA) and Florida Municipal Power Agency (FMPA).
8. "Power plant" shall mean the electric power generating plant and appurtenances to be modified or constructed on the Cane Island Power Park site in Osceola County, as generally depicted in the Application.
9. "Project" shall mean the Cane Island Unit 3 and all associated facilities, including but not limited to: the combined cycle unit, fuel and water storage tanks, natural gas delivery pipes, effluent pumping station, air pollution control equipment, storm water control facilities, the cooling tower and related facilities.
10. "SFWMD" shall mean the South Florida Water Management District.
11. "ROW" shall mean the transmission line right-of-way to be

selected within the certified corridor in accordance with the conditions of certification.

**B. Applicable Rules**

The construction and operation of the Cane Island Power Park shall be in accordance with all applicable provisions of at least the following regulations of DEP: Chapters 62-4, 62-17, 62-814, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

**II. CHANGE IN DISCHARGE**

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial generating capacities of the existing units or Unit 8, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, or expansion in steam generation capacity shall be reported by submission of an application for modification pursuant to Chapter 403, F.S.

**III. GENERAL CONDITIONS**

**A. Facilities Operation**

1. The KUA shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the KUA to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

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

3. The KUA shall comply with the terms and conditions contained in Permit Nos. PSD-FL-254/PA98-38 and PSD-FL-400 as well as (attached as Appendices II and III) and any revisions, modifications or reissuances thereof.

**B. Non-Compliance Notification**

If, for any reason, the permittee (defined as the applicant or its successors and/or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the Central District office of the DEP by telephone at (407) 894-7555. After normal business hours, reports of any condition that poses a public health threat shall be made to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The KUA shall confirm this non-compliance in writing at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

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

**C. Spill Notification**

The KUA shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by telephone immediately after discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephonic report shall be submitted by calling the Central District Industrial Wastewater Compliance/Enforcement Section under telephone number (407) 893-3308. After normal business hours, contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

**D. Safety**

1. The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions.

The Federal Occupational Safety and Health Standards will be complied with during construction. The Safety Standards specified under Section 442.20, F.S., by the Division of Safety of the Florida Department of Labor and Employment Security shall also be complied with.

2. The Permittee 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 Permittee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

***E. Enforcement***

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

***F. Design and Performance Criteria***

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

***G. Certification - General Conditions***

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

2. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification.

4. This certification does not relieve the KUA/FMPA from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this approved source, or from penalties therefore; nor does it allow the KUA to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittees shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of these Conditions which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with these Conditions.

5. In accepting this certification, the KUA understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S., or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

7. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity.

8. The KUA shall comply with the following:

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

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

KUA Cane Island Power Park:  
6075 Old Tampa Highway  
Intercession City, Florida

KUA Electric Operations:

1701 West Carroll Street\*  
Kissimmee, Florida 34741

\*or subsequent principle office location.

- c. Records of monitoring information shall include:
- (1) the date, exact place, and time of sampling or measurements;
  - (2) the person responsible for performing the sampling or measurements;
  - (3) the dates analyses were performed;
  - (4) the person responsible for performing the analyses;
  - (5) the analytical techniques or methods used;
  - (6) the results of such analyses.

9. These Conditions may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10. The permittee, by accepting these Conditions, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to

- a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under these Conditions;
- b. Have access to and copy any records that shall be kept under the conditions of these Conditions;
- c. Inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and
- d. Sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating these Conditions, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by these Conditions to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department.

12. Unless specifically stated otherwise in Department rules, the permittee, in accepting these Conditions, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or

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

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

14. The permittee 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.

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

16. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of these Conditions. The notice shall include the following information:

- a. A description of the anticipated noncompliance;
- b. The period of the anticipated noncompliance, including dates and times; and
- c. Steps being taken to prevent future occurrence of the noncompliance.

17. Water quality sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.

a. Monitoring results shall be reported at the intervals specified elsewhere in these Conditions and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).

b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in these Conditions.

d. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DEP-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the

Department. This CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

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

When requested by the Department, the KUA shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If The KUA becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

#### ***H. Laboratories and Quality Assurance***

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

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

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

#### ***I. Procedures for Post-Certification Submittals***

##### ***1. Purpose of Submittals***

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

##### ***2. Filings***

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

##### ***3. Completeness***

The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies

receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, The KUA shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness.

**4. Interagency Meetings**

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

**5. Reasonable Assurance of Compliance**

Within ninety (90) days of the filing of a complete post-certification submittal, or 45 days after a submittal is made by the applicant, or unless another date is specified herein, DEP shall give written notification to the KUA and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the KUA shall be notified with particularity and possible corrective measures suggested. Failure to notify The KUA in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

**6. Commencement of Construction**

If DEP does not object within the time period specified in Condition III.H.5. above, the KUA may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

**IV. ADVERSE IMPACT**

The Permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The Permittee shall not adversely impact any jurisdictional wetland without prior approval.

**V. RIGHT OF ENTRY**

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

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

B. To have access during normal business hours (Monday - Friday, 7:00

a.m. to 3:30 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

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

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

## **VI. REVOCATION OR SUSPENSION**

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

## **VII. CIVIL AND CRIMINAL LIABILITY**

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

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

## **VIII. PROPERTY RIGHTS**

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations. This certification conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

## **IX. SEVERABILITY**

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

## **X. REVIEW OF SITE CERTIFICATION**

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

## **XI. MODIFICATION OF CONDITIONS**

A. Pursuant to Subsection 403.516(1), F.S., the Siting Board hereby delegates the authority to the Department to modify any condition of this certification, except that any proposed modification to burn a fuel other than natural gas or oil shall be reviewed by the Board.

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

## **XII. CONSTRUCTION**

### **A. *Standards and Review of Plans***

1. The facility shall be constructed pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific Central District office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations and these conditions prior to initiation of construction of any: industrial waste treatment facilities; domestic waste treatment facilities; potable water treatment and supply systems; ground water monitoring systems and storm water runoff systems; solid waste disposal areas; facilities impacting jurisdictional wetlands, and hazardous or toxic handling facilities or areas. The Applicant shall present specific facility plans for these facilities for review by the Central District office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable.

2. The Department must be notified in writing and prior written approval obtained for any changes, modification, or revision to be made to the project during construction which is in conflict with these conditions of certification. If there are any changes, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the conditions of certification.

3. Ninety (90) days prior to the anticipated date of first operation, the KUA shall provide the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge as referenced in Condition II. since the time of the approval of these conditions. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

## **B. Control Measures**

### **1. Storm Water Runoff**

To control runoff during construction which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5.

### **2. Open Burning**

Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable county regulation. 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., shall be approved by the Central District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur unless approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

### **3. Sanitary Wastes**

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

### **4. Solid Wastes**

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

### **5. Noise**

Construction noise shall not exceed noise requirements of the Osceola County Noise Ordinance except as exempted by the Conditional Use Permit CU/SDP 92-86, or as exempted by the Ordinance between 7 a.m. and sunset. KUA and FMFA shall notify area residents in advance of the onset of the steam blowout of the Unit 3 heat recovery steam generator and steam lines phase of construction, which shall be conducted between 7:00 a.m. and sunset.

### **6. Dust and Odors**

The Permittee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions on adjoining property.

### **7. Transmission Lines**

The directly associated transmission lines from the Cane Island Power Park electric switchyard to the existing Florida Power Corporation Intercession City Plant shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The KUA shall notify the Central District office of the Department of the type of herbicide to be used at least 60 days prior to its first use.

8. Protection of Vegetation

The Permittee shall develop the site so as to retain a buffer of trees or shall plant a buffer of trees sufficient to minimize the aesthetic and noise impacts of the facility as described in the application. The buffer, as far as practicable, shall be of sufficient height and width suitable for the purpose of mitigating both construction and operational impacts of the facility.

9. Dewatering Operations

The dewatering operations during construction shall be carried out in accordance with Rule 62-621.300(2), F.A.C.

10. Historical or Archaeological Finds

If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the Permittee shall notify the DEP Central District office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

**C. 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 are detected during construction, the Permittee shall notify the Central District office as required by Condition III.B.

**D. Reporting**

Notice of commencement of construction shall be submitted to the Siting Coordination Office and the Central District office within fifteen (15) days of initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the Central District office. The report shall be a short narrative describing the progress of construction.

**XIII. AIR**

**A. General and Administrative Requirements**

1. Regulating Agencies: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), at 2600 Blair Stone Road, Mail Station 23, Tallahassee, Florida 32399-2400 and telephone number (850)488-0114. All documents related to reports, tests, and notifications should be submitted to the DEP Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and telephone number 407/894-7555.

2. Title V Air Operation Permit Number 0970043-0137-AV, is incorporated by reference herein as part of this Certification. Units 1, 2 & 3 shall

operate in conformance with DEP Permit No. 0970043-0137-AV attached as Appendix 4I. The provisions of Title V Air Operation Permit Number 0970043-0137-AV shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0970043-0137-AV as part of these Conditions of Certification, and as those provisions may be modified 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.

#### **XIV. STORMWATER DISCHARGE**

A. The existing Cane Island Generating Station surface water management system is permitted to discharge storm water under the terms and conditions imposed by EPA's storm water general permit issued for use in the state of Florida. The facility's permit number is FLR05B777. The KUA is required to continue to update the Cane Island Power Park's Storm Water Pollution Prevention Plan (SWPPP) annually, as required by the general permit; and to implement the annual revisions to the SWPPP.

B. New construction on the Cane Island site must meet the requirements of Chapter 40E-4 of the Florida Administrative Code, as well as the design requirements presented in the Site Certification Application (SCA). The new stormwater facilities associated with Cane Island Unit 3 will not become operational until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d) Florida Statutes, and with the appropriate experience in surface water design, certifies that these facilities have been constructed in accordance with the design as approved by the Florida Department of Environmental Protection (FDEP).

C. This certification is predicated on the KUA's submitted information to FDEP which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities.

D. FDEP representatives shall be allowed reasonable escorted access to the power plant site to inspect and observe any activities associated with the Cane Island Unit 3 Project construction and/or the operation and/or maintenance of the surface water management system in order to determine compliance with the conditions of this certification. The KUA shall not refuse immediate entry or access, upon reasonable notice, to any FDEP representative who requests entry for the above noted inspection and presents appropriate credentials.

E. The KUA shall hold and save FDEP harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this certification, to the extent allowed under Florida law.

#### **XV. DOMESTIC WASTEWATER**

The KUA is authorized to continue disposing of domestic wastewater in the Cane island septic tank/drainfield sewerage treatment system. Any future request for onsite treatment will require approval to construct and operate any such new facility and will be subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Chapters 62-3, 62-4, and pertinent chapters within the 62-300, 62-500 and 62-600

Series.

## **XVI. DRINKING WATER FACILITIES**

### ***A. Use of Existing Facilities***

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

Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system to serve the expanded plant facilities may be undertaken following the filing with the DEP of a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections. This activity shall be subject to the requirements of Rule 62-555.540, F.A.C.

The conditions set forth on conditions XVI.B. and C. below shall apply to any future construction or expansion of any potable water system on the site.

### ***B. Prior Approval***

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

2. In order to obtain approval to construct a new onsite water supply system where the potable water is to be supplied by an off-site water supply system, the following information must be submitted to the Department no earlier than eighteen (18) months nor later than six months prior to the date that the water supply system is proposed for construction:

a. A completed and fully executed application form which complies with the nonprocedural requirements of the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department; however, the Department will not accept "An Intent to Use a General Permit" for such a project. Reference: F.A.C. Rules 62-4.050, 62-555.500, .520, and .530.

b. Complete specifications for the material and workmanship covering the entire new potable water supply system for which the request for approval to construct is being made. The specification must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable nonprocedural rules of

the Department in effect as of the date that the request for approval to construct is made to the Department. Reference: F.A.C. Rules 62-4.050, Rules 62-2.555.520, 62-555.530, and 21H-23.

c. Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being made. The drawings must demonstrate full compliance with all applicable nonprocedural rules and regulations of the Department in effect as of date that the request for approval to construct is made to the Department. The drawing must be signed and sealed by an engineer registered in the state of Florida. Reference: F.A.C. Rules 62 and 4.050, 62-555.520, 62-555.530, and 21H-23.

d. Signed and sealed comprehensive engineering report on the new potable water supply system which fully describes that project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the new potable water system as proposed will comply with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department. Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.530, and 21H-23.

e. Documentation that the public water supply system supplying the water has the capacity in its water treatment system to serve the project and that the existing water transmission line from that system's water treatment plant to the point of connection with water supply system the KUA is proposing to construct has been designed and sized to provide sufficient water to meet the demand of the KUA project. Reference: F.A.C. Rules 62-4.050, 62-555.350, 62-555.520, and 62-555.530.

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

### **C. Construction**

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

2. The approval to construct a new or modify the existing potable water supply system will be in effect for two (2) years from the date of issuance. All construction of the potable water supply system must be completed within this two (2) year period unless a written request for an extension of this date is made to the

Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year-by-year basis. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, should the KUA have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, the KUA will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

3. No future, modified portion of the potable water supply system may be placed into service without the prior written approval of the Department except as authorized herein for extension of the potable water distribution system. Placing any portion of a modified potable water supply system into service prior to receipt of this written approval will be considered as a violation of the conditions of certification.

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

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

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

## **XVII. NPDES AND INDUSTRIAL WASTES**

### **A. Surface Water Discharge**

This Condition of Certification is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The KUA is hereby authorized to operate the facilities shown in the Cane Island Unit 3 Site Certification Application and other documents on file with the Department and made a part hereof and as specifically described in Permit No. FLA010961(attached as Appendix IV). The Cane Island Power Park shall operate as follows:

1. Operation: Of an industrial wastewater treatment and disposal system to serve the referenced Cane Island Power Park which includes a steam electric power generation plant and combustion turbine units. The facility presently includes two fossil-fueled electric generating units, Unit 1, a simple-cycle gas turbine rated at 40 MW (nominal) and Unit 2, a gas-fired combined cycle unit rated at 120 MW (nominal). The existing facility discharge consists of cooling water blowdown, low volume wastes, and chemical and non-chemical metal cleaning wastes. The Cane Island Power Park receives reclaimed water from the City of Kissimmee/Bermuda Avenue wastewater treatment facility (POTW). This water supply is designated as INT-01. Well water is used to supplement the wastewater from the POTW. This supply is designated INT-02 and INT-03. The licensee may alter the flow volumes from INT-01, INT-02 and INT-03 as required for operational needs. The POTW effluent is used for cooling tower makeup water. The wells are used to supply the potable services and the demineralizer systems. An onsite percolation pond is used for discharging industrial wastes to groundwater. The various wastestreams from the operation of the facility are listed as follows:

- a. Cooling Tower Blowdown.
- b. Neutralization Basin Effluent. This consists of :
  - (1) Ion Exchange Regeneration Wastes.
  - (2) Chemical/Metal Cleaning Rinses.
  - (3) Chemical Area Drains.
- c. Steam Cycle Blowdown.
- d. Drains from the Turbine Area, Plant and Equipment Areas.
- e. Area Drains as follows:
  - (1) Fuel Oil Storage Tank Bermed Containment Area.
  - (2) Transformer Area Containment Bermed Area.
  - (3) Fuel Oil Unloading Station.
- f. Roof and Site Drains.

2. Disposal: Effluent is presently discharged to the City of Kissimmee treated sewage effluent pipeline or to the approved land application system. Wastestream B is treated by pH neutralization and settling before mixing with Wastestreams A and C. These three wastestreams are discharged to the POTW effluent forcemain to the Imperial percolation ponds. The Imperial site disposal

system operates under DEP Domestic Wastewater Permit Number FLA010959. Wastestreams D and E are treated in oil/water separators prior to discharge to Class G-II ground water via percolation in a 127 foot by 62 foot (top of berm) above ground impoundment. There shall be no discharge of these wastestreams to surface waters of the State. Wastestream F shall be routed to an onsite stormwater management system.

**B. Effluent Limitations and Monitoring Requirements:**

1. Land Application Systems:

a. The licensee is authorized to discharge, from Discharge Location G-001, process wastewater from the industrial wastewater treatment system (Wastestreams D & E) to an impoundment onsite. Samples shall be taken at the sampling port designated G-001. Such discharge shall be limited and monitored by the licensee as specified below:

| Parameters (Units)    | Discharge Limitations *  |            |       | Monitoring Requirements |             |              |
|-----------------------|--------------------------|------------|-------|-------------------------|-------------|--------------|
|                       | Monthly Avg.             | Daily Max. | Other | Frequency               | Sample Type | Sample Point |
| Flow (MGD)**          | 0.02                     | Report     | NA    | Daily                   | Metered     | G001         |
| TDS (mg/l)            | Report                   | Report     | NA    | Monthly                 | Grab        | G001         |
| Chlorides (mg/l)      | Report                   | Report     | NA    | Monthly                 | Grab        | G001         |
| Total Nitrogen (mg/l) | Report                   | Report     | NA    | Monthly                 | Grab        | G001         |
| Sodium (mg/l)         | Report                   | Report     | NA    | Monthly                 | Grab        | G001         |
| Sulfates (mg/l)       | Report                   | Report     | NA    | Monthly                 | Grab        | G001         |
| TRPH (mg/l)***        | Report                   | Report     | NA    | 2/ Month                | Grab        | G001         |
| pH (SU)               | See Condition XVII.B.1.e |            |       |                         |             |              |

*These notes refer to the above table and the following 3 tables in section b:*

\* Daily Discharge: The “discharge of a pollutant” measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutants discharged over the day. For pollutants expressed in other units of measurements; e.g., concentration, “daily discharge” is calculated as the average measurement of the pollutant over the day.

Average Monthly Discharge Limitation : The highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Maximum Daily Discharge Limitation: The highest allowable daily discharge.

\*\* Flow limitation does not include the storm water component as may be introduced through the area plant drains.

\*\*\* TRPH: Total Recoverable Petroleum Hydrocarbons.

b. The licensee is authorized to discharge, from Discharge Location G-002, nonprocess wastewater from wastestreams A, B and C to the City of Kissimmee forcemain to the Imperial land application site. Samples shall be taken at

the sampling port designated G-002. Such discharge shall be limited and monitored by the licensee as specified below:

| Parameters (Units)      | Discharge Limitations *  |            |       | Monitoring Requirements |             |              |
|-------------------------|--------------------------|------------|-------|-------------------------|-------------|--------------|
|                         | Monthly Avg.             | Daily Max. | Other | Frequency               | Sample Type | Sample Point |
| Flow (MGD)**            | 0.738                    | 0.791      | NA    | Daily                   | Metered     | G002         |
| TDS (mg/l)              | Report                   | Report     | NA    | 2/Month                 | Grab        | G002         |
| Chlorides (mg/l)        | Report                   | Report     | NA    | 2/Month                 | Grab        | G002         |
| Nitrates as N (mg/l)    | Report                   | Report     | NA    | Weekly                  | Grab        | G002         |
| Nitrates as N (#/ day)  | Report                   | Report     | NA    | Weekly                  | Grab        | G002         |
| Total Nitrogen (mg/l)   | Report                   | Report     | NA    | Weekly                  | Grab        | G002         |
| Total Nitrogen (#/ day) | Report                   | Report     | NA    | Weekly                  | Grab        | G002         |
| Sodium (mg/l)           | Report                   | Report     | NA    | 2/Month                 | Grab        | G002         |
| Sulfates (mg/l)         | Report                   | Report     | NA    | 2/Month                 | Grab        | G002         |
| TRPH*** (mg/l)          | Report                   | Report     | NA    | Monthly                 | Grab        | G002         |
| pH (SU)                 | See Condition XVII.B.1.e |            |       |                         |             |              |

c. The licensee shall sample the treated domestic effluent from the City of Kissimmee POTW that is used in the power plant. There will be a sampling port established that will be designated location INT-01 to obtain representative samples of this wastewater. Samples shall be taken at Location INT-01 and tested by the licensee as specified below:

| Parameters (Units)      | Discharge Limitations *  |            |       | Monitoring Requirements |             |              |
|-------------------------|--------------------------|------------|-------|-------------------------|-------------|--------------|
|                         | Monthly Avg.             | Daily Max. | Other | Frequency               | Sample Type | Sample Point |
| Flow (MGD)**            | Report                   | Report     | NA    | Daily                   | Metered     | INT-01       |
| Nitrates as N (#/ day)  | Report                   | Report     | NA    | Weekly                  | Grab        | INT-01       |
| Nitrates as N (mg/l)    | Report                   | Report     | NA    | Weekly                  | Grab        | INT-01       |
| Total Nitrogen (#/ day) | Report                   | Report     | NA    | Weekly                  | Grab        | INT-01       |
| Total Nitrogen (mg/l)   | Report                   | Report     | NA    | Weekly                  | Grab        | INT-01       |
| pH (SU)                 | See Condition XVII.B.1.e |            |       |                         |             |              |

d. The licensee shall sample the raw water supply from the wells onsite that are used in the power plant. There will be sampling ports established that will be designated Locations INT-02 and INT-03 to obtain representative samples of this ground water. These ports shall be located on the lines from Well No. 2A and Well No. 2B respectively. Samples shall be taken at Locations INT-02 and INT-03 and tested by the licensee as specified below:  
INT-02

| Parameters (Units) | Discharge Limitations * | Monitoring Requirements |
|--------------------|-------------------------|-------------------------|
|--------------------|-------------------------|-------------------------|

|                            | Monthly Avg.             | Daily Max. | Other | Frequency | Sample Type | Sample Point |
|----------------------------|--------------------------|------------|-------|-----------|-------------|--------------|
| Flow (gpd)**               | Report                   | Report     | NA    | Daily     | Metered     | INT-02       |
| TDS (mg/l)                 | Report                   | Report     | NA    | Monthly   | Grab        | INT-02       |
| TSS (mg/l)                 | Report                   | Report     | NA    | Monthly   | Grab        | INT-02       |
| Surfactants (mg/l)         | Report                   | Report     | NA    | Monthly   | Grab        | INT-02       |
| Total Nitrogen (#/day)     | Report                   | Report     | NA    | Weekly    | Grab        | INT-02       |
| Total Nitrogen as N (mg/l) | Report                   | Report     | NA    | Weekly    | Grab        | INT-02       |
| Nitrate Nitrogen (#/day)   | Report                   | Report     | NA    | Weekly    | Grab        | INT-02       |
| Nitrate Nitrogen (mg/l)    | Report                   | Report     | NA    | Weekly    | Grab        | INT-02       |
| TRPH*** (mg/l)             | Report                   | Report     | NA    | Monthly   | Grab        | INT-02       |
| pH (SU)                    | See Condition XVII.B.1.e |            |       |           |             |              |

#### INT-03

| Parameters (Units)       | Discharge Limitations *  |            |       | Monitoring Requirements |             |              |
|--------------------------|--------------------------|------------|-------|-------------------------|-------------|--------------|
|                          | Monthly Avg.             | Daily Max. | Other | Frequency               | Sample Type | Sample Point |
| Flow (gpd)**             | Report                   | Report     | NA    | Daily                   | Metered     | INT-03       |
| TDS (mg/l)               | Report                   | Report     | NA    | Monthly                 | Grab        | INT-03       |
| TSS (mg/l)               | Report                   | Report     | NA    | Monthly                 | Grab        | INT-03       |
| Surfactants (mg/l)       | Report                   | Report     | NA    | Monthly                 | Grab        | INT-03       |
| Total Nitrogen (#/day)   | Report                   | Report     | NA    | Weekly                  | Grab        | INT-03       |
| Total Nitrogen as N mg/l | Report                   | Report     | NA    | Weekly                  | Grab        | INT-03       |
| Nitrate Nitrogen (#/day) | Report                   | Report     | NA    | Weekly                  | Grab        | INT-03       |
| Nitrate Nitrogen mg/l    | Report                   | Report     | NA    | Weekly                  | Grab        | INT-03       |
| TRPH*** (mg/l)           | Report                   | Report     | NA    | Monthly                 | Grab        | INT-03       |
| pH (SU)                  | See Condition XVII.B.1.e |            |       |                         |             |              |

e. The pH shall not be less than 6.0 standard units, nor greater than 8.5 standard units at any time at Sampling Locations G001 and G002. The pH shall be monitored twice monthly by grab sample at Locations G001 and G002.

f. Unless specified elsewhere in these conditions, samples taken in compliance with the monitoring requirements specified in XVII.B.1. shall be taken at the nearest accessible point after final treatment but prior to the actual discharge to the land application system. The same sampling point shall be used in each sampling event.

g. There shall be no discharge of industrial wastewater from this facility to surface waters.

h. Monitoring results obtained for each calendar month shall be summarized for that period and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection  
Central District Office  
Industrial Wastewater Program  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

If no discharge occurs during the reporting period, the above sampling requirements of the permit do not apply. The DMR shall be submitted with the statement "No discharge" written on the DMR form. If, during the term period of the permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

i. Grab samples shall be collected during periods of minimal treatment plant pollutant removal efficiencies or maximum hydraulic and/or pollutant loading.

j. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

k. Any bypass of the treatment facility which is not included in the monitoring specified in B.1. above is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reasonable data. All monitoring results shall be reported on the appropriate DMR.

l. There shall be no net increase of total Nitrogen and Total Nitrates in pounds per day, on an annual basis, introduced back into the City's forcemain to the Imperial disposal site than was received from the City in the domestic effluent water used for supply. Calculations shall be made on the following basis: Total weekly flow in Million Gallons x 8.34 x concentration in mg/l for each parameter.

2. Industrial Sludge Management Requirements

There will be no residual solids generated in the treatment/disposal process at this facility.

3. Waste oil removed from any treatment unit in this system shall be stored onsite in a separate waste oil tank. The stored waste oil shall be managed and ultimately disposed of by a licensed used oil recycler in accordance with the provisions of Chapter 62-710, F.A.C.

4. Mixing of any waste product generated from this system with septage or domestic residuals is prohibited.

5. Other Land Application Requirements

- a. The licensee's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with rules 62-520.400 and 62-520.420, F.A.C.
- b. The licensee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in rule 62-520.400, F.A.C., within the zone of discharge.
- c. The frequency and rate of effluent disposal shall be managed by the licensee to avoid secondary environmental impacts such as severe odors and other nuisance conditions.

**C. Other Limitations and Monitoring Requirements**

1. The approved analytical methods and corresponding Department established MDL (method detection limits) and PQL (practical quantification limit) shall be used when conducting monitoring at sampling points G001, G002, INT-01, INT-02 and INT-03 as specified in B above or the following.

a. Results greater than or equal to the PQL shall be reported as the measured quantity.

b. Results less than the PQL and greater than or equal to the MDL shall be reported as the PQL followed by the lab code "in", and shall be deemed equal to the MDL when necessary to calculate an average for that parameter.

c. Results less than the MDL shall be reported as the MDL followed by the lab code "u". A value of one half the MDL or half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limit or monitoring requirement. [62-4.246, 6-13-96]

2. Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection  
Wastewater Facilities Regulation Section, Mail Station 3550  
Twin Towers Office Building, 2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this certification do not apply. The statement "No Discharge" shall be written on the DMR form. If, during the term period of this certification, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing. Additionally, the KUA shall notify the Department within 30 days, in writing, of the permanent shutdown of Units 5 and 6, and of the commencement of Commercial Operation of Unit 8.

3. Unless specified otherwise in this certification, all other reports and notifications required by these Conditions, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Department's Central District Office at the address specified below:

Florida Department of Environmental Protection  
Industrial Wastewater Section  
Central District Office,  
3319 Maguire Boulevard, Suite 232,  
Orlando, Florida 32803-3767  
Phone number 407/894-7555.

4. There shall be no discharge of polychlorinated biphenyl compounds (PCBs) such as those commonly used for transformer fluid.

5. The KUA shall provide safe access points for obtaining representative samples which are required by this certification.

6. The KUA shall ensure that all laboratory analytical data submitted to the Department is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (CompQAP) [or a CompQAP pending approval] for all parameters being reported as required by 62-160, Florida Administrative Code.

7. Discharge of hydrazine in boiler blowdown is authorized without limitation or monitoring requirements.

***D. Reopener Clause***

1. This certification shall be modified to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(23)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

b. Controls any pollutant not addressed in the certification.  
The certification, as modified under this paragraph shall contain any other requirements of the Act then applicable.

2. The certification may be reopened to adjust effluent limitations or monitoring requirements should future wasteload allocation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

***E. Stormwater from Diked Petroleum Storage or Handling Area***

The KUA is authorized to discharge stormwater from diked petroleum storage or handling areas, provided the following conditions are met:

1. The facility shall have a valid SPCC Plan pursuant to 40 CFR 112.

2. In draining the diked area, a portable oil skimmer or similar

device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of a visible oil sheen at any time.

**F. Operation and Maintenance Requirements**

1. Operation of Treatment and Disposal Facilities

a. The KUA shall ensure that the operation of this facility is as described in the application and supporting documents.

b. The operation of the pollution control facilities described in this certification shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control appropriate for those facilities.

2. Record-Keeping Requirements

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

a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

b. Copies of all reports, other than those required in item 1. above, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;

c. Records of all data, including reports and documents used to complete the application for this certification at least three years from the date the application was filed, unless otherwise specified by Department rule;

d. A copy of the Site Certification;

e. A copy of any required record drawings;

f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

**G. Compliance Schedule**

The KUA shall achieve compliance on start of discharge.

**H. Specific Conditions Applicable to All Permits**

1. Drawings, plans, documents or specifications submitted by the KUA, not attached hereto, but retained on file with the Department, are made a part hereof.

2. If significant historical or archaeological artifacts are discovered at any time within the project site, the KUA shall immediately notify the Department at the address shown in I B 3 above and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida, 32399-0250.

3. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this certification shall be signed and sealed by the professional(s) who prepared them.

4. This certification satisfies industrial wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by federal agencies.

**I. Duty to Reapply**

This condition is not applicable under Site Certification.

**J. Specific Conditions Related to Best Management Practices**

The KUA shall comply with the Best Management Practices portion of the Cane Island Power Park Storm Water Pollution Prevention Plan (SWPPP).

**XVIII. GROUNDWATER**

**A. Monitoring Plan**

When required by Florida Administrative Code Chapter 62-701, the KUA shall file a Ground Water Monitoring plan within 180 days of being advised by the Department for review and approval by the Central District of the DEP.

**B. Groundwater Monitoring Requirements**

1. The licensee shall sample ground water in accordance with this condition and the approved Ground Water Monitoring Plan prepared in accordance with Rule 62-522.600, F.A.C. [62-522.600, 12-9-96]

2. The following monitoring wells shall be sampled quarterly:

| Well Name | GMS Monitoring Location Site Number | WAFR Monitoring Location Site Number | Depth (Feet) | Aquifer Monitored | Well Type  | Existing |
|-----------|-------------------------------------|--------------------------------------|--------------|-------------------|------------|----------|
| MW-1      | 3049A17007                          | 6240                                 | 42           | Surficial         | Background | Existing |
| MW-5      | 3049A17008                          | 6239                                 | 42           | Surficial         | Compliance | Existing |
| MW-6      | 3049A17009                          | 6238                                 | 35           | Surficial         | Compliance | Existing |

3. The following parameters shall be analyzed quarterly for each of the monitoring wells identified above:

- Ground Water Elevation (Feet, NGVD)
- Benzene (µg/l)
- BTEX (µg/l)
- Chloride (mg/l)
- Nitrate (mg/l)
- pH (Standard Units)
- Sodium (mg/l)
- Sulfate (mg/l)
- TDS (mg/l)

- j. TRPH (mg/l)
  - k. Turbidity (NTU)
- [62-522.600, 12-9-96]

**C. General Ground Water Conditions:**

1. A zone of discharge extends horizontally along the ground surface 100 feet or to the property line, whichever is less, and vertically to the base of the shallow aquifer. [62-520.200(23), 62-522.400, and 62-522.410, 12-9-96]
2. In accordance with Form 62-620.910(10), water levels shall be recorded before purging wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD) at a precision of plus or minus 0.1 foot. [62-4.070(3), 8-16-98]
3. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples. [62-4.070(3), 8-16-98]
4. Ground water monitoring parameters shall be analyzed in accordance with Chapter 62-601, F.A.C. For compliance, the ground water standards must be met in accordance with Chapter 62-520.420 F.A.C. [62-620.610(18), 12-24-96]
5. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions. [62-4.070(3), 8-16-98]
6. Ground water monitoring test results for each monitoring well shall be submitted on Form 62-620.910(10). Results shall be submitted within 28 days following the completion of each quarter for each year during the period of operation allowed by this COC. A completed Certification Page shall accompany each quarter of monitoring data. [62-4.070(3), 8-16-98], [62-522.600(10) and (11)(b), 4/14/94] [62-620.610(18), 12-24-96]
7. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Ground Water Section, Central District, Orlando with a written report within seven days detailing the circumstances and remedial measures taken or proposed. Replacement of monitoring wells shall be approved in advance by the Department. [62-4.070(3), 8-16-98]

**XIX. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS**

**A. Spills**

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition III.B., Noncompliance Notification.

**B. Handling and Testing of Potentially Hazardous Material**

The KUA shall continue to implement its current plan for handling and disposing of hazardous wastes.

## **XX. BY-PRODUCT AND SOLID WASTE STORAGE**

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

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

### **B. By-Product & Solid Waste Site Specific Standards**

1. Any future by-product storage areas shall be designed, constructed, operated, maintained, closed and monitored in accordance with acceptable waste disposal practices providing environmental protection equivalent to those described in F.A.C. Chapter 62-701, or Chapter 62-673, as appropriate, and these conditions of Certification. The prohibitions of F.A.C. Chapter 62-701 shall not be violated.

2. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Central District of the DEP prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted to the Central District office of the DEP prior to operation of each by-product or solid waste storage and disposal area.

## **XXI. FEDERAL OPERATING PERMITS AND FEES**

### **A. DEP Responsibilities**

The Department of Environmental Protection shall implement the provisions of Title V of the 1990 Clean Air Act and the NPDES program for the Cane Island Power Park, developing conditions of certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with federal law and federal regulations and sections 403.0885, 403.0872, 403.5055, 403.509, and 403.511, F.S.

### **B. KUA Responsibilities**

The KUA shall submit the appropriate annual operating information as well as the appropriate annual pollutant emission and NPDES fees, as required by federal law, to the Department.

## **XXII. CONSTRUCTION OF LINEAR FACILITIES**

Construction of the proposed 230 KV transmission line or other future linear facilities shall be in conformance with Best Management Practices for linear facilities. KUA shall provide a final ROW alignment and updated wetland impact information to the Central District Office of the DEP and to the South Florida Water Management District at least 90 days before the start of clearing of the ROW.

## **XXIII. SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

### **A. Legal/Administrative Conditions**

#### **1. General**

##### **a. Responsible Entity**

The Permittee shall be responsible for compliance with the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the Certification, shall immediately be submitted to the Florida Department of Environmental Protection and the SFWMD by the previous certification holder (Permittee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Permittee shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized. The previous Permittee shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any contractual rights, duties, or obligations under this Certification. Reference: Sections 373.223, 373.342, and 373.413, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381, 40E-3.101(1), 40E-4.091(1)(a), and 40E-4.301(1), F.A.C.

##### **b. Minimum Standards**

This Certification is based on the Permittee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Permittee shall be considered the minimum standards for compliance. Reference: Sections 373.219, 373.223, 373.229, 373.308, 373.316, 373.413(1) and 373.416(1), F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-2.381, 40E-3.500-531, 40E-4.091(1)(a), 40E-4.301(1), and 40E-4.381, F.A.C.

##### **c. Compliance Requirements**

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-4 (Environmental Resource Permits), and 40E-20 (General Water Use Permits), F.A.C.

##### **d. Off-site Impacts**

It is the responsibility of the Permittee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the project. Reference: Sections 373.223, 373.309, and 373.413(1); Rules 40E-2.091(1), 40E-2.381, 40E-3.301(3), 40E-3.301(4), 40E-4.091(1)(a), 40E-4.301(1), and 40E-4.381(1)(c), F.A.C.

##### **e. Liability**

The Permittee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

Reference: Sections 373.223, 373.443, F.S.; Rules 40E-2.091(1), 40E-2.381, 40E-4.091(1)(a), and 40E-4.381(1)(h), F.A.C.

f. Construction, Operation, and Maintenance

Responsibilities

The Permittee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

Reference: Sections 373.309, 373.413(1) and 373.416(1), F.S.; Rules 40E-3.301, 40E-4.091(1)(a), 40E-4.301(1), and 40E-4.381, F.A.C.

g. Access

SFWMD representatives shall be allowed reasonable escorted access to the power plant site, the water withdrawal facilities, and any associated linear facilities to inspect and observe any activities associated with the construction of the proposed project and/or the operation and/or maintenance of the on-site wells and/or the surface water management system and/or the mitigation areas in order to determine compliance with the conditions of this Certification. The Permittee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials. Reference: Sections 373.223, 373.319, and 373.423, F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-2.381, 40E-3.461, 40E-4.091(1)(a), and 40E-4.301, F.A.C.

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Permittee's compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, and 40E-4, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder. Reference: Rule 62-17.191, F.A.C.

i. Post Certification Construction Notifications

At least 30 days prior to the commencement of construction, the Permittee or Project Engineer shall notify SFWMD staff in the Orlando Service Center Environmental Resource Compliance Division (using the appropriate SFWMD Form) of the actual or anticipated construction start date and the expected completion date/duration of construction. Annual construction status reports shall be submitted by the Permittee to the SFWMD Environmental Resource Compliance Division (using the appropriate SFWMD Form) beginning one year after the initial construction start date. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(d)&(e), F.A.C.

j. Operation Authorization

Authorization for Unit 3 to begin operations shall not be granted by the Florida Department of Environmental Protection until it has received and approved an executed contract between the Permittee and an entity capable of receiving and disposing of any waste products generated by the proposed facility. Reference: Sections 373.043 and 403.504, F.S.

k. Enforcement

The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Secretary of DEP of the proposed action. Reference: Sections 373.223, 373.319, 373.423, and 373.603, F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-2.381, 40E-3.461, 40E-4.091(1)(a), and 40E-4.301, F.A.C.

I. Existing Surface Water Management Permit

Surface Water Management Permit No. 49-00672-S is incorporated herein only insofar as such conditions and terms are applicable to the activities approved in this Certification. Such permit shall remain in full force and effect for activities approved in the permit that are not authorized within this Certification.

2. Processing of Informational Requests

a. Completeness and Sufficiency Review

At least ninety (90) days prior to the commencement of construction of any portion of the project, the Permittee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient. Reference: Section 373.413(1) and (2), F.S.

b. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Permittee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2, 40E-3, and 40E-4, F.A.C., and the Conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Permittee in writing, that the activities are in compliance with the applicable SFWMD criteria. Reference: Sections 373.413(1) and (2), F.S.

c. Revisions to Site Specific Design Authorizations

The Permittee shall submit, consistent with the provisions of Condition A.2., any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested modification to the previously authorized design. Reference: Sections 373.413 and 373.414, F.S.; Rules 40E-2.091, 40E-2.301, 40E-3.461, 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

d. Dispute Resolution

Since this Certification is the only form of permit required

from any agency, it is understood that the Permittee and the SFWMD shall strive to resolve disputes by mutual agreement. Reference: Sections 373.413 and 373.429, F.S.; Rules 40E-1.601 and 40E-4.331, F.A.C.

e. Objections

Objections to modifications of the terms and conditions of this Certification shall be resolved through the process established in Section 403.516, F.S.

f. Changes to Information Requirements

The SFWMD and the Permittee may jointly agree to vary the informational requirements. Reference: Sections 373.085, 373.229, and 373.413(2), F.S.; Rules 40E-2.101(1), 40E-3.101(2), and 40E-4.101(1), F.A.C.

**B. Water Use Conditions**

1. General

a. Water Shortage Compliance

In the event of a declared water shortage, the Permittee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. Reference: Section 373.246, F.S.; Rule 40E-2.381, F.A.C.

b. Impacts on Existing Legal Users

The Permittee shall mitigate any adverse impact on existing legal uses caused by the ground water withdrawals authorized by this Certification. When adverse impacts occur or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.k of these conditions. The adverse impacts can include:

(1) A reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce by 10% or greater;

(2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system that impairs the ability to produce water by 10% or greater;

(3) Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water user, resulting in a significant reduction in water quality; and/or

(4) A change in water quality caused by the Permittee that results in significant impairment or loss of use of a well or water body.

Reference: Section 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

c. Impacts on Existing Off-Site Land Uses

The Permittee shall mitigate any adverse impacts on existing off-site land uses as a consequence of the groundwater withdrawals authorized by this Certification. If increased withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.k of these conditions. Adverse impacts can include:

(1) A significant reduction in water levels in an adjacent water body, including impoundments, to the extent that the designed function of the water body is impaired;

(2) Land collapse or subsidence caused by a reduction in water levels; and/or

(3) Damage to crops and other types of vegetation.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

d. Impacts to Natural Resources

The Permittee shall mitigate any adverse impacts to natural resources as a consequence of the groundwater withdrawals authorized by this Certification. When adverse impacts occur, or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.k of these conditions. Adverse impacts can include:

(1) A reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface;

(2) A reduction in water levels that adversely impacts the hydroperiod of protected wetland environments;

(3) A significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

(4) Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and/or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

e. Well System Operation

At any time, if there is an indication that the well casing, valves, or controls associated with the on-site backup well system leak or have become inoperative, the Permittee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3 (Water Wells), F.A.C. Reference: Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-531, F.A.C.

2. Site Specific Design Authorizations

a. Authorized Daily Withdrawals

When Units 1, 2 and 3 are operating under normal operating conditions on the primary fuel supply (natural gas), this Certification authorizes a maximum daily withdrawal of 0.22 MGD from the Floridan aquifer for potable water, service water, and process water. When Units 1 and 2 are operating on the backup fuel supply (No. 2 oil), this Certification authorizes a maximum daily withdrawal of 0.55 MGD for a maximum of 12 days per year. When Units 1, 2 and 3 are operating on backup (No. 2 oil) fuel supply, this certification authorizes a maximum daily withdrawal of 0.78 MGD for a maximum of 30 days per year.

b. Emergency Cooling Tower Makeup Water

This Certification authorizes a maximum daily withdrawal of 2.865 MGD from the Florida Aquifer for emergency cooling tower makeup water for a period not to exceed 30 days per year. Withdrawals in excess of 30 days per year shall require prior written approval from SGWMD's Water Use Division. These withdrawals shall only occur during those times when reclaimed water supply from the City of Kissimmee is temporarily interrupted.

c. Authorized Annual Withdrawals

This Certification authorizes a maximum annual withdrawal of 186.8 MGY from the Floridan Aquifer for potable water, service water, and process water. This authorization includes the emergency cooling tower makeup water for a maximum of 30 days, operation of Units 1 and 2 on the backup fuel (No. 2 oil) for a maximum of 12 days, and operation of Units 1, 2 and 3 on backup fuel (No. 2 oil) for a maximum of 30 days.

d. Authorized Withdrawal Facilities

2 - 6" X 400' X 200 GPM wells cased to 150 feet

4 - 6" X 400' X 450 GPM wells cased to 150 feet

e. Modification of Authorized Withdrawals

Within five years of Certification and every five years thereafter, unless extended by mutual agreement between the Permittee and the SFWMD, the Permittee shall submit to the SFWMD a report on the project's consumptive water use which contains the information required by Chapter 40E-2, F.A.C. in effect at that time. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the Department and the Permittee as to whether the groundwater withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at that time. If the notification indicates that the withdrawals are not in compliance with these provisions, it shall recommend possible alternatives for bringing the withdrawals into compliance or otherwise meeting the minimum consumptive water use needs of the Certified project. If mutual agreement cannot be reached within 90 days after issuance of the written notification on whether the withdrawals of groundwater for consumptive use remain in compliance, then the written notification shall be immediately referred to the Division of Administrative Hearings (DOAH) for resolution in accordance with the procedural provisions of Sections 403.516(1)(c) and 120.569, F.S. (1997).

f. Right to Petition for Modification of Withdrawals

The SFWMD retains the right to petition for a modification of the groundwater withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Section 403.516, F.S. (1996). Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S.

g. Dewatering Operations

Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Permittee shall submit a detailed plan for the proposed dewatering activities to the SFWMD, consistent with the provisions of Conditions A.2, for a determination of compliance with the non-

procedural requirements of Chapter 40E-2, 40E-3, 40E-4, and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- (7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
- (8) The location of any infiltration trench(es) and/or recharge barriers; and
- (9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida. Reference: Sections 373.229, 373.308, and 373.413, F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-3.500-531, and 40E-4.381(1)(m), F.A.C.

h. Reporting Requirements

The Permittee shall maintain records of the calibrated daily withdrawals from each pump. These records shall be available for review upon request by District staff. Monthly withdrawals for each pump shall be submitted to the District quarterly. Maximum daily withdrawals for each month for the entire system shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report. Every two years from the date of Certification, the Permittee shall submit re-calibration data on each water pumping accounting facility if the accounting method(s) require re-calibration. Reference: Section 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

i. Existing Well Repair, Replacement, Abandonment

If any of the existing on-site wells require repair, replacement, and/or abandonment in the future, the Permittee shall submit the information described in Chapter 40E-3, F.A.C. for review by the SFWMD prior to initiating such activities. Reference: Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-531, F.A.C.

j. New Well Construction

Prior to construction of the proposed on-site wells, the Permittee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C. to the SFWMD for review and approval. If the final well locations are different from those originally proposed in the certification application,

the Permittee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies. Reference: Section 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

k. Water Conservation Plan

Within two (2) years of the date of Certification, the Permittee shall submit a Water Conservation Plan required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

An audit of the amount of water needed in the Permittee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

- (1) Implementation of a leak detection and repair program;
- (2) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Permittee's facilities; and
- (3) Use of processes to decrease water consumption. Development and implementation of an employee awareness program concerning water conservation.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

**C. Surface Water Management Conditions**

1. General Conditions

a. Professional Engineer Certificate

The operation of the surface water management system authorized under this Certification shall not become effective until a Florida Registered Professional Engineer certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by the SFWMD. Within 90 days after completion of construction of the surface water management system, the Permittee or authorized agent shall submit the engineer's certification and notify SFWMD staff in the Orlando Service Center Environmental Resource Compliance Division that the facilities are ready for inspection and approval. As part of such notification, the Permittee or authorized agent shall submit as-built drawings of the site. The as-built drawings shall include elevations, locations, and dimensions of components of the surface water management system.

Reference: Sections 373.117 and 373.419, F.S.; Rules 40E-4.091(1)(a), 40E-4.301(1), and 40E-4.381(1)(f), F.A.C.

b. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality

The Permittee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized

works on fish, wildlife, natural environment values, and water quality. The Permittee shall institute necessary measures during the construction period, including necessary compaction of any fill materials placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Reference: Sections 373.413(1) and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

c. Access Roads

The Permittee shall, whenever available, utilize adjacent existing roads for access to the transmission line right-of-way for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands. Reference: Sections 373.413(1), 373.414, 373.416(1); Rules 40E-4.301 and 40E-4.381, F.A.C.

d. Discharge Structures

Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas. Reference: Sections 373.413(1), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

e. Off-Site Discharges

Off-site discharges during construction and development shall be made only through the discharge facilities authorized by this Certification. No roadway or structure pad construction shall commence on-site until completion of the permitted discharge structure and detention areas. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the SFWMD. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

f. Correction of Water Quality Problems

The Permittee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or other water quality problems that result from the construction, operation, and/or maintenance of the works authorized under this Certification. Reference: Sections 373.413(1) and 373.416(1); Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

g. Additional Water Quality Requirements

The Permittee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary. Reference: Sections 373.413(1), and 373.416(1); Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

h. Dike Designs for Minor Impoundments

Dike designs for minor impoundments shall be in accordance with commonly accepted engineering principles and State laws. Side slopes shall be no steeper than 2:1 (horizontal to vertical) and top widths no less than

five feet. Reference: Sections 373.413(1), 373.414, and 373.416(1); Rules 40E-4.301 and 40E-4.091(1)(a), F.A.C., including Appendix 6.

i. Minimum Freeboard for Minor Impoundments

The minimum freeboard for minor impoundments above the maximum water depth shall be equal to the maximum water depth dimensions but not less than two feet nor more than three feet. Reference: Sections 373.413(1), 373.414, and 373.416, F.S.; Rules 40E-4.301 and 40E-4.091(1)(a), F.A.C., including Appendix 6.

j. Modifications

Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C. They shall also be submitted to the SFWMD for a determination that the modifications are in compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., prior to the commencement of construction. Reference: Section 403.516, F.S.

2. Site Specific Design Requirements

a. Design Storm Event

The Design storm event shall be the 10 year/72 hour storm event for peak discharge, the 10 year/24 hour storm event for minimum road and parking lot elevations, and the 100 year/72 hour storm event for minimum finish floor elevations.

b. Water Quality Treatment

Water quality treatment shall be provided for the greater of the first inch of runoff or 2.5 inches times the percentage of impervious coverage.

c. Wet Detention Ponds

Wet detention ponds shall comply with minimum District area and dimensional criteria as measured at the normal control elevation.

d. Wetland Discharges

Discharges to wetlands shall be via a spreader swale sized to reduce discharge velocities to non-erosive rates. Reference: Sections 373.413 and 373.414, F.S.; Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

3. Additional Information Requirements

a. Expansion Area Construction Plans

Prior to the commencement of construction of any portion of the proposed project within the expansion area, all construction activities for that portion of the proposed project that may obstruct, divert, control, impound or cross waters of the state must be reviewed by the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all construction activities, the following information shall be submitted:

(1) If control elevations are revised for any portion of the proposed surface water management system, revised soil storage calculations;

(2) Detailed plans of all proposed roads, parking lots and building pads which demonstrate compliance with Osceola County and SFWMD

flood protection criteria;

(3) Cross-sections of all proposed control structures which demonstrate compliance with SFWMD water quality and quantity criteria. Reference: Sections 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

b. Transmission Line Construction Plans

Prior to the commencement of construction of any portion of the proposed transmission line, all construction activities for that portion of the transmission line which may obstruct, divert, control, impound, or cross waters of the state either temporarily or permanently, must be reviewed by the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. "Construction activities" in this situation shall include the placement of structure pads, access/maintenance roads, culverts, and/or fill materials, excavation activities, and related activities. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all construction activities, the following information shall be submitted:

(1) A centerline profile of existing topographic features along the proposed access/maintenance road(s);

(2) A preliminary design of the proposed access/maintenance and finger road(s) with elevations marked;

(3) A typical cross-section of the proposed access/maintenance and finger road(s);

(4) Specifications showing the location of each transmission tower, finger and access/maintenance road, culvert, and/or other related structure or facility to be constructed, including all areas to be filled or excavated;

(5) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;

(6) A cross-section of all proposed excavation areas showing the proposed depth of excavation;

(7) Calculations and the supporting documentation which demonstrate compliance with all applicable criteria, particularly as they relate to allowable discharge;

(8) Identification of wet season water table elevations for each basin in which facilities will be located;

(9) Calculations and supporting documentation which demonstrate that the proposed construction activities associated with the transmission line will not have an adverse water quantity and/or water quality impact on existing and/or permitted surface water management systems;

(10) If construction of the proposed transmission line contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system design for the transmission line.

Reference: Sections 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

c. ~~Surface Water Quality Monitoring Program~~

~~(1) Within three months of issuance of this Certification, the Permittee shall submit for review and approval by the SFWMD, a surface water quality monitoring program which monitors all off-site discharges from the surface water management system into the on-site wetlands.~~

~~(2) While the program may incorporate additional monitoring requirements and parameters required by other agencies, it shall include the following parameters and time frames at a minimum:~~

| SCHEDULE                                  | PARAMETERS                                                                                                                                              |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>A. General (Every Other Month)</del> | <del>Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Total Suspended Solids, and Alkalinity.</del> |
| <del>B. Organics (Semi-annual)</del>      | <del>Oil and Grease, Detergents, EPA Methods 601 and 602.</del>                                                                                         |
| <del>C. Metals (Semi-annual)</del>        | <del>Aluminum, Antimony, Arsenic, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc.</del>                   |

~~(3) Water quality samples shall be taken at the above noted locations in accordance with the above schedule during periods of discharge. The Permittee shall provide such data to the SFWMD as volumes of water discharged, including total volume discharged during the days of sampling, and total discharges from the property or into surface waters of the state. A laboratory certified by the State of Florida shall be responsible for all water quality analysis under (1)B and (1)C above. Reports shall be submitted to the SFWMD on a semi-annual basis. Initial sampling results shall be reported to the SFWMD no later than six months following the issuance of this Certification.~~

~~(4) The SFWMD will evaluate monitoring requirements to determine whether the discharge degrades receiving waters and conforms to State water quality standards as defined in Chapter 62-17.302, F.A.C. If water quality problems develop, the SFWMD reserves the right to require more frequent sampling and more thorough analyses in order to provide assurances that the discharges will not cause additional off-site water quality impacts.~~

~~Reference: Section 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.~~

cd. Hazardous Materials Management

Prior to the commencement of construction of this project, the Permittee shall submit a copy of the Comprehensive Hazardous Materials and Waste Management Plan for the Cane Island Power Park to the SFWMD for a determination of compliance with the requirements of Chapter 40E-4, F.A.C. The plan shall provide an adequate level of detail for early warning and detection of hazardous materials within the shallow groundwater. At a minimum, the plan shall include a groundwater monitoring network (including proposed up-gradient and down-gradient locations of monitoring wells) and shall be prepared by a hydrogeology consultant. The plan shall provide an adequate level of detail for early warning and

detection of hazardous materials within the shallow groundwater. Reference: Section 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

**D. Environmental Conditions**

1. General

a. Wetland Avoidance

The Permittee shall avoid impacting wetlands within the power plant site and transmission line corridor wherever practicable. Where necessary and feasible, the location of the facilities shall be varied to eliminate or reduce wetland impacts. Reference: Sections 373.413(1), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

b. Fill Materials

No fill materials shall be obtained from excavated wetlands within the project site, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification. Reference: Sections 373.413(1), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

c. Additional Wetlands Mitigation

The Permittee may be required to provide additional mitigation and/or other measures if wetland and/or upland monitoring and/or other information demonstrates that adverse impacts to protected, restored, conserved, incorporated, and/or mitigated wetlands have occurred as a result of project-related activities. Reference: Sections 373.413, 373.414, and 373.416, F.S.; and Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

d. Additional Environmental Review

The Permittee shall submit any proposed changes in land use, project design, and/or the treatment of on-site wetlands for additional environmental review in order to determine whether any additional mitigation activities will be required. Reference: Sections 373.413, 373.414, and 373.416, F.S.; and Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

2. Additional Information Requirements

a. Wetlands Protection

Prior to the commencement of construction of any facilities located adjacent to the wetlands identified for preservation, the Permittee shall:

(1) Field stake and rope off the perimeter of the protected wetlands and buffer zones to prevent encroachment into the wetlands. The Permittee shall notify the SFWMD's Environmental Compliance staff in writing upon completion of roping and staking and schedule an inspection of this work. The staking and roping shall be subject to SFWMD staff approval. The Permittee shall modify the staking and roping if SFWMD staff determines it is insufficient or is not in conformance with the intent of this Certification. Staking and roping shall remain in place until all adjacent construction activities are complete; and

(2) Install silt screens, hay bales or other such

sediment control measures during construction. The selected sediment control measures shall be installed landward of the upland buffer zones around all protected wetlands. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and upland buffer zones.

Reference: Sections 373.413, 373.414, and 373.416 F.S.; Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

b. Preserved Wetlands Monitoring Plan

Prior to the commencement of construction, the Permittee shall submit to the SFWMD for review and approval, a monitoring plan designed to document the condition of the wetlands designated for preservation/enhancement on the project site. This plan may be part of a monitoring program designed to document the condition of all preserved on-site areas. However, at a minimum, the plan shall include the following:

- (1) Provisions for both quantitative and qualitative observations of wildlife and macro invertebrate utilization;
- (2) Monthly water level readings;
- (3) Panoramic photographs documenting the condition of the wetlands;
- (4) An evaluation of the success of the preservation/enhancement effort; and
- (5) An annual report which includes the above and any other relevant information.

Reference: Sections 373.413(1), 373.413(2), 373.414 and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

c. Transmission Line Wetland Impacts

Prior to the construction of any portion of the proposed transmission line, the details of the proposed wetland impacts must be submitted to the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all activities, the following information shall be submitted:

- (1) Specific acreage figures, locations, and jurisdictional limits of all wetlands, both within the transmission line right-of-way and adjacent to it, impacted by the proposed construction activities, including an explanation as to why there are no feasible alternatives to the proposed design if wetland impacts are unavoidable;
- (2) Identification of all proposed clearing activities, both horizontal and vertical;
- (3) Aerial photographs, at a minimum scale of 1"=200', which show the locations of the proposed facilities/alignments and all of the wetlands, including those within and adjacent to the project site and the access road right-of-way that would be impacted by the proposed construction activities;
- (4) Design drawings showing the plan view and cross-sectional details for the proposed crossing of Reedy Creek, including the wetland limits, the creek channel limits, the normal high water elevation, and seasonal high water elevation; and

(5) Documentation that the proposed excavation activities will not adversely impact off-site wetlands.  
Reference: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

d. Transmission Line Mitigation Plan

Prior to the construction of any portion of the proposed transmission line, a mitigation plan to offset any wetland impacts associated with the proposed transmission line must be submitted to the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. The plan shall include the following:

(1) A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced;

(2) A timetable for accomplishing the proposed mitigation activities concurrently with the construction of the transmission line and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing prior to the commencement of construction;

(3) A detailed monitoring and maintenance program designed to ensure the survival and success of any created, restored, or enhanced wetlands, which is predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD staff annually, and all monitoring stations identified on a plan view; and

(4) A letter requesting deduction of mitigation credits from the mitigation credit account established under Surface Water Management Permit No. 49-00672-S. The letter shall include a complete list of the applicant's names, application numbers and credits withdrawn of each of the previously-issued permits for which credits were withdrawn to offset adverse wetland impacts. In addition, the letter shall include the applicant's name, project name, application number and number of credits for which application is made to deduct under the current application. The letter shall also include the subtotal of credits remaining prior to the applied for deduction and the total remaining credits subsequent to the proposed deduction. The SFWMD's construction authorization letter will acknowledge and confirm the remaining balance of available credits after the proposed and approved deduction.

Reference: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, 40E-4.331(2)(b), and 40E-4.381, F.A.C.

3. Water Supply and Development

a. All process, service, and potable water requirements (except for cooling tower makeup water) will be supplied by the two existing and four proposed onsite wells. The wells withdraw from the Floridan aquifer. The two existing wells are currently permitted under SFWMD Water Use Permit 49-00671-W with an annual allocation of 74.8 million gallons (MG), and a maximum daily allocation of 0.26 MG. With the addition of Unit 3 to the Power Park, the estimated total usage of ground water is 0.22 MGD under normal operating conditions using the primary fuel (natural gas) and up to 0.78 MGD when additional process water is

required for control of nitrogen oxides associated with the use of the backup fuel (No. 2 fuel oil).

b. The maximum daily allocation from the Floridan aquifer wells, under normal operating conditions, is 0.22 MG. The annual allocation from the Floridan aquifer wells, emergency cooling tower makeup water and the additional process water required for use of the backup fuel (No. 2 oil), is 186.8 MG.

c. Cooling tower makeup water will be obtained from the City of Kissimmee reclaimed water pipeline. The cooling tower makeup water requirement is 2.9 MGD with all units at full load. During those times when reclaimed water is unavailable (due to treatment plant breakdowns, reclaimed water conveyance line breaks, etc.), the backup water supply will be from the six Floridan aquifer wells. This use will be on an emergency basis, pending the repair of the reclaimed supply system. These interruptions are not expected to exceed 30 days per year.

d. The applicant has indicated that the construction of the neutralization basin and the oil-water separator will require temporary dewatering for a period of up to four months. The applicant estimates that the dewatering volume will be less than 1 MGD and has proposed the use of a wellpoint system with the dewatering water being discharged into the existing surface water management system. Staff agrees with the applicant that the potential for adverse impacts resulting from the proposed dewatering activity is minimal.

#### 5. Surface Water Management

a. Prior to the commencement of construction, detailed paving, grading and drainage plans must be provided which specify the final locations of the proposed water management areas, indicate the on-site and perimeter site grade, and confirm the internal routing of surface water discharges within the project site as well as the location of the proposed discharge facilities to Reedy Creek Swamp.

b. Prior to the commencement of construction, final control elevations and supporting calculations, certified by a Florida Registered Professional Engineer must be provided. Supporting plans and detail sheets, including cross-sections of the proposed control structures, shall demonstrate compliance with the SFWMD's water quality and quantity criteria.

c. Prior to the commencement of construction, final calculations must be provided which confirm that the roads and buildings planned as part of this project will meet the 10 year/1 day and 100 year/3 day design storm events, respectively.

d. Prior to the commencement of construction, a detailed drainage analysis of the contributing drainage area and culvert sizing calculations shall be submitted for all culvert crossings of the transmission line access/service roadway.

#### 6. Wetlands Impact and Mitigation

a. Mitigation is required to offset 1.8 acres of direct, permanent dredge and fill impacts and 12.9 acres of hand clearing, light track shear-machine clearing, and topping in mixed hardwood and cypress strand forest. Mitigation to offset the above-described impacts will be partially accomplished

through the hydrologic enhancement of approximately 3 acres of cypress. A 3-acre lobe of a strand system has been historically severed from the downstream portion by the establishment of a ditched and bermed access trail. A hydrologic connection will be re-established with the installation of culverts and filling of the ditches that run parallel to the trail. These activities are estimated to offset 1 acre of direct impact.

b. In addition to the above described enhancement activities, 1.6 credits (to offset the remaining 0.8 acre of direct impact), and 4.25 credits (to offset the 12.9 acres of hand-clearing and topping impacts) will be deducted from the mitigation credit account established under previous permitting, thus leaving a balance of 39.15 credits.

c. A letter requesting deduction of the credits shall be submitted by the Permittee and approved by the SFWMD prior to initiation of construction.

## **XXIV. DEPARTMENT OF COMMUNITY AFFAIRS**

### ***A. Hurricane Preparation Plan***

KUA and FMPA shall develop a comprehensive hurricane preparation and recovery plan for the Cane Island Power Park. The plan shall be submitted to the Department of Community Affairs and the Osceola County Office of Emergency Management no later than commencement of construction for Unit 3. KUA and FMPA shall formally update the plan every 5 years following commercial operation of Unit 3 or whenever an additional power generating unit is brought into commercial service at the Power Park and shall submit these updated versions of the plan to the Department of Community Affairs and the Osceola County Office of Emergency Management.

### ***B. Plan Compliance***

If the Department of Community Affairs deems the plan or any of its periodic updates not to be in compliance with the requirements of this condition, it may petition for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.

## **XXV. DEPARTMENT OF TRANSPORTATION**

### ***A. Access to State Highways***

Access Management to the State Highway System: No new access to the State Highway System is proposed in the site certification application. If new access is later proposed, access permitting as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, Access Management Classification System and Standards, Florida Administrative Code, will be required.

### ***B. Historical or Cultural Resources***

The applicant will ensure that the weights and heights of construction

and/or tanker trucks will not exceed the limits for the SR 600 bridge over Reedy Creek (which has been determined to have cultural value) and the South Orange Blossom Trail Bridge (which has been determined to have historical value). If any overweight or overdimensional vehicles are operated by the applicant, the applicant shall comply with the appropriate provisions of Sections 316.535 and 316.550, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code, including submission of information and fees.

**C. *Transmission Line Construction***

If any use of State of Florida right-of-way or transportation facilities is later proposed, such usage will be subject to the requirements of the Department of Transportation's Utility Accommodation Guide, Rule Chapter 14-46, Railroad/Utility Installation or Adjustment, Florida Administrative Code.

**D. *Best Management Practices***

1. It is recommended that the applicant encourage transportation demand management techniques by doing the following: Placing a bulletin board on site for car pooling advertisements. Requiring that heavy construction vehicles remain onsite for the duration of construction except as may be necessary to facilitate delivery of heavy machinery or equipment transported by rail.

2. It is anticipated that 25% of the construction work force associated with construction of Cane Island Unit 3 is expected to car pool each day. In an effort to minimize level of service impacts on the State Highway System resulting from this project, the incoming route recommended for the construction workers is through Intercession City to the junction of Old Tampa Highway and U.S. Highway 17/92, then east on Old Tampa Highway to the site entrance. The applicant is encouraged to inform employees and contractors of this preferred route.

3. Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Design Standards; and Florida Department of Transportation's Specifications for Roads and Bridges, whichever is more stringent.

4. While the applicant has stated an intent to use contractors for the delivery of any overweight or overdimensional loads to the site during the construction of the additional unit, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Sections 316.535 and 316.550, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

**History**

Certification Issued 11/23/99; signed by Governor Bush  
Modified 05/09/00; signed by Deputy Secretary Green  
Modified 12/02/02; signed by Siting Administrator Owen

Modified 03/07/05; signed by Siting Administrator Oven  
Modified 07/12/06, signed by Siting Administrator Oven  
Modified xx/xx/10; signed by Siting Administrator Halpin