

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

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

PA 98-~~38F~~38G

Modified ~~April 22, 2011~~XXXXXXX, 2015

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SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.); this certification is issued to Kissimmee Utility Authority (KUA) and Florida Municipal Power Agency (FMPA) as joint owners/operators of the Cane Island Power Park (CIPP) and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions), KUA/FMPA will operate a 710 MW facility, consisting of Units 1-4 and associated facilities. These units are located on a 1027 -acre site which is located in Osceola County, Florida. UTM coordinates are: Zone 17, 449.8 km East; 3127.9 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

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

1. The Cane Island Intercession City Transmission Line (230kV) connecting the CIPP switchyard to Progress Energy Florida (PEF). Intercession City Power Plant.
2. The on-site portions of the Bonnet Creek Canal Transmission Line (69kV).
3. The on-site portions of the Natural Gas Pipeline.

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

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

The Licensee shall notify the Department of any change to the Site boundary depicted in the Site Delineation in Attachment A. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the Site for review by the Department. Absent the above description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and onsite support facilities is located to be the boundaries of the Site.

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

F. Within 180 days after completion of construction of associated off-site (linear and non-linear) facilities, the Licensee shall provide: an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area(s), following acquisition of all necessary property interests and the corridor narrowing as described in section 403.503(11), F.S., outside the boundaries established for the Site (as depicted in the Site Delineation) which shall be known as "Delineation of Off-Site Facilities" and attached as part of Attachment A. Following any post-certification approvals that require a change to the boundaries of the certified area(s) depicted in Delineation of Off-Site Facilities in Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Sections 403.511, F.S.; subsection 62-17.205(2), F.A.C.]

II. APPLICABLE RULES AND STATUTES

The construction and operation of the Certified Facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the COC or as otherwise provided under the Act:

Florida Statutes:

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

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Florida Administrative Codes:

5I-2 (Open Burning)
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulations of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
~~62-312 (Dredge and Fill Activities)~~
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
~~62-342 (Mitigation Banks)~~
~~62-343 (Environmental Resource Permit Procedures)~~
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-522 (Groundwater Permitting and Monitoring Requirements)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-602 (Water or Domestic Wastewater Treatment Plant Operators and Water Distribution System Operators)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)

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62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment
Plants and Water Distribution Systems)
62-701 (Solid Waste Management Facilities)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For
Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
~~62-770 (Petroleum Contamination Site Clean-Up Criteria)~~
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

For Facilities in the South Florida Water Management District:

~~40E-4.1 (Surface Water Management General and Procedural)~~
~~40E-40 (General Surface Water Management Permits)~~
40E-41 (Surface ~~water~~ Water Management Basin and Related Criteria)
~~Basis of Review for ERP Applications~~

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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

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

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal

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statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

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

B. “Associated Facilities” as defined by Section 403.503(7), F.S. means for the purpose of certification, those onsite and offsite facilities which directly support the construction and operation of the electrical power plant such as electrical transmission lines, substations, and fuel unloading facilities; pipelines necessary for transporting fuel for the operation of the facility or other fuel transportation facilities; water or wastewater transport pipelines; construction, maintenance, and access roads; necessary for transport of construction equipment or fuel for the operation of the facility.

C. “Certified Area” means the area within the Site in which the certified facilities are located. For off-site associated facilities, this shall mean the area within which the certified off-site associated facility is located. For associated linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for the ROWs have been acquired by the Licensee, after which time the “Certified Area” will include only the area within the final ROWs in accordance with Section 403.503(11), F.S.

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

E. “Complete” means the post-certification filing provides the data required by the relevant Condition of Certification.

F. “~~DCADEO~~” means the Florida Department of ~~Community Affairs~~Economic Opportunity.

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

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

I. “DOT” means the Florida Department of Transportation.

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

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

L. “Licensee” means Kissimmee Utility Authority/Florida Municipal Power Agency, which has obtained certification orders for the Certified Facility.

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

N. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

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

P. “ROW” means right-of-way.

Q. “Site” as defined in Section 403.508(28), F.S. means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.

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

S. “SFWMD” means the South Florida Water Management District.

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

U. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

V. The “Unit 3 Project” shall mean the Cane Island Power Park Unit 3 and all associated facilities described in the Application filed on August 3, 1998, and subsequently supplemented. Units 1 and 2 were also certified under this Application.

W. The “Unit 4 Project” shall mean the Cane Island Power Park Unit 4 and all associated facilities described in the Application filed on April 1, 2008, and subsequently supplemented.

V. FEDERAL PERMITS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the certified facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

~~The following permits have been issued pursuant to federal programs and they are applicable to the Certified Facility. This Certification is not a waiver of any other Department approval that may be required for other aspects of the Certified Facility under federally delegated~~

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~~or approved programs. The Department may consider a violation of any of these federal permits as a violation of this certification.~~

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified facilities are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number 0970043: <http://appprod.dep.state.fl.us/air/emission/apds/default.asp>.

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

~~The provisions of the following permits shall be conditions of this certification to the extent the substantive provisions of those permits apply to the Certified Facility. The Licensee shall comply with the substantive provisions and limitations set forth in Air Construction Permit Nos. PSD-FL-182, PSD-FL-254 and PSD-FL-400 and Title V Air Operation Permit Number 0970043-017-AV as part of these COC, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these COC.~~

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

~~Air Permit Nos. PSD-FL-182, PSD-FL-254, Air Construction Permits 0970043-003-AC, 0970043-008-AC and 0970043-014-AC (PSD-FL-400) are incorporated by reference herein as part of these COC and attached as Appendix I.~~

~~[Chapter 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.]~~

~~2. Title V Permit~~

~~Title V Air Operation Permit 0970043-017-AV is incorporated by reference herein as part of these COC and attached as Appendix II.~~

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

B. Water

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

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

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

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

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

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

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable. The CIPP facility MSGP number is FLR05B763.

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

3. NPDES Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity

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

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

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

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application or as explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility

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

VII. NOTIFICATION

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

1. A description of and cause of noncompliance; and

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2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

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

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

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

VIII. CONSTRUCTION PRACTICES

A. *Local Building Codes*

Requirements of this License in no way affect the local government's right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

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

B. *Particulate Matter*

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

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

C. *Open Burning*

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., the Licensee shall seek approval from the DEP Central District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

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

D. *Sanitary Wastes*

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

E. *Underground Utilities*

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the Siting Office with copies of valid tickets obtained from Sunshine State

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One Call of Florida upon request. Tickets shall be available for request until construction has been completed.

[Chapter 556, F.S.]

F. Electric and Magnetic Fields

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

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

G. Wells

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

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

H. Abandonment of Existing Septic Tanks

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

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

IX. RIGHT OF ENTRY

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

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

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to the Department or other agencies, such facts or information shall be promptly corrected and submitted. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

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

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X. DISPUTE RESOLUTION

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

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

XI. SEVERABILITY

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

XII. ENFORCEMENT

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

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIII. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified within the Application or approved in the final order of certification and indicated in the testimony and exhibits in support of certification and any approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the

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Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Sections 403.512, 403.532, and 403.9425, F.S.; subsection 62-4.160(2), F.A.C.]

XIV. REGULATORY COMPLIANCE

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

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

XV. PROTECTION OF VEGETATION

The Licensee 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.

XVI. CIVIL AND CRIMINAL LIABILITY

A. This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the Certified Facility.

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

XVII. PROPERTY RIGHTS

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

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

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the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

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

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

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

XVIII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or Condition of Certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Chapter 120, and Sections 403.511(5)(c), F.S.]

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

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

Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Florida Department of ~~Community Affairs~~Economic Opportunity
Office of the Secretary
~~2555 Shumard Oak Blvd.~~107 East Madison St.
Tallahassee, FL 32399-2100

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

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

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

East Central Regional Planning Council
Office of the Executive Director
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, Florida 32701

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, Florida 33406

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

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Osceola County
Office of General Council
1 Courthouse Sq. Suite 4200
Kissimmee FL, 34741

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

COC which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these COC, without further agency action. Any submittal of information or determination of compliance pursuant to a post-certification submittal does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SCO, the DEP Central District Office, and any other agency that is entitled to receive a submittal pursuant to these COC. Where, possible, filings with the SCO shall be submitted in electronic .pdf format only, unless otherwise requested. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

C. Completeness

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas. Licensee may request that the DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues.

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

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

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification

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submittal to discuss whether compliance with these COC has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these COC nor to delay the timeframes for review established by these COC. At DEP's request, the Licensee shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

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

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

F. Commencement of Construction

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

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

G. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to DEP, and/or applicable agencies, any proposed revisions to the Project's site specific design that were previously reviewed for compliance with these Conditions via a post-certification submittal for review. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

H. Variation to Submittal Requirements

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

I. Disputes

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

[Section 403.51(2)(b)(1), F.S.; Rule 62-17.191, F.A.C.]

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XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these COC where due-dates for the information required of the Licensee are identified. The post-certification submittal summary shall be updated following subsequent modifications or certifications requiring new submittals or changes to due-dates for submittals for existing requirements. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via email at SCO@dep.state.fl.us, CD or hard copy, in the format identified below or equivalent.

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

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

XXII. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S.]

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XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Subsection 403.516(1), Florida Statutes, the Siting Board hereby delegates to the Secretary of the Department of Environmental Protection the authority to modify, after notice and opportunity for hearing, any conditions herein which would not otherwise require approval from the Siting Board.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by the Department under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V air permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. The Licensee shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for modifications or renewals of the above listed permits if the request involves a new or modified relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

D. The Secretary of the Department may modify any condition of these Conditions of Certification if the Secretary finds that an immediate danger to the public health, safety, or welfare requires the issuance of an immediate final order temporarily modifying these Conditions of Certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety, or welfare. The immediate final order and the modification to the Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger and shall be applicable or enjoined from the date rendered.

E. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, the Secretary of the Department may allow facility operation to resume and continue to take place under an immediate final order temporarily modifying these Conditions of Certification, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of these Conditions of Certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

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

XXIV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

The operation of the Certified Facility shall be in accordance with all applicable provisions of any state or local government regulation incorporated into these Conditions. All state and locally issued permits are intended to be incorporated herein, such that the Licensee

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shall comply with the substantive provisions and limitations set forth in those permits. The inadvertent omission of any state or locally issued permit from these Conditions can be remedied by a modification of the Conditions to include provisions from the state or locally issued permit.

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

XXV. COASTAL ZONE CONSISTENCY

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

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

XXVI. TRANSFER OF CERTIFICATION

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

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

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

XXVII. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these COC must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these COC, the Licensee shall adhere to the minimum

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field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

XXVIII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the DEP Central District's (CD) Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-330.060, F.A.C.. Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COC.

This form may: a) have been submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Environmental Resources Permit form, pursuant to section 403.511, Florida Statutes, issuance of a separate Environmental Resources Permit is not required for certified facilities.

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

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

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP-approved wetland and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

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

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

[Section 373.414(1)(a), F.S.]

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

[Sections 373.421 and 403.504, F.S.]

B. Surface Water Management Systems

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the DEP CD.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

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

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

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

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

6 Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the Certified Facility being served by that portion or phase of the system.

7. Within 30 days, or such other date as agreed to by DEP and the Licensee, after completion of construction of any new portions of the SWMS, the Licensee shall submit to the DEP CD, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP CD must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities, such as an NPDES dewatering generic permit per 62-621.300, F.A.C. (See Condition V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS, B.5)

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, and Rule 62-4.242, F.A.C.]

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C. Wetland and Other Surface Water Impacts

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

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

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

~~XXVIII~~XXIX. **THIRD PARTY IMPACTS**

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee or on the Licensee's behalf occur in or on the Certified Area.

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

~~XXIX.~~ **FACILITY OPERATION**

The Licensee shall properly operate and maintain the Certified Facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification.

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

~~XXXI.~~ **RECORDS MAINTAINED AT THE FACILITY**

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

B. The Licensee shall hold at the Certified Facility, or other location designated by these Conditions below, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the 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.

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Florida Municipal Power Agency
8553 Commodity Circle
Orlando, FL 32819

Kissimmee Utility Authority
1701 West Carroll Street
Kissimmee, FL 34741

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

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

XXXII. WATER DISCHARGES

A. Discharges

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

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

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

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

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B. Wastewater Incident Reporting

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

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

- a. Name, address, and telephone number of person reporting;
- b. Name, address, and telephone number of Licensee or responsible person for the discharge;
- c. Date and time of the discharge and status of discharge (ongoing or ceased);
- d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
- e. Estimated amount of the discharge;
- f. Location or address of the discharge;
- g. Source and cause of the discharge;
- h. Whether the discharge was contained on-site, and cleanup actions taken to date;
- i. Description of area affected by the discharge, including name of water body affected, if any; and
- j. Other persons or agencies contacted.

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

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

SECTION A: GENERAL CONDITIONS

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste

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

[Chapter 62-730, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a Certified Facility who has knowledge of any release of a hazardous substance from a facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Warning Point Number, (850) 488-1320, within one working day of discovery of the release.

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

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

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

~~XXXIII~~XXXIV. STORAGE TANK SYSTEMS

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

A. Incident Notification Requirements.

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

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County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

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

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensee is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

SECTION B: SPECIFIC CONDITIONS

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Abandonment of a Wastewater Facility*

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

B. *Adverse Impact*

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

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. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Licensee shall notify the Central District Office as required by Section A. Condition VII.

D. *Domestic Wastewater*

The Licensee 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.

E. *Drinking Water Facilities*

1. 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 Chapters 62-555, 62-550, 62-560, 62-602 and 62-699, F.A.C. The Licensee is approved to continue to operate the existing, permitted potable water system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or Department of Health and made a part thereof. The Licensee 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.

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2. Prior Approval for Construction or Expansion of Onsite Potable Water Systems

a. 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.

b. 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:

(1) 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.

[subsections 62-4.050, 62-555.500, .520, and .530, F.A.C.]

(2) Complete specifications for the material, hydraulic testing, disinfection, and workmanship covering the entire new potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by a Professional 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.

[subsections 62-4.050, Rules 62-2.555.520, 62-555.340. 62-555.520(4)(a)(9)(c), 62-555.530, and 21H-23, F.A.C.]

(3) 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 a Professional Engineer registered in the state of Florida.

[subsections 62 -4.050, 62-555.520, 62-555.530, and 21H-23, F.A.C].

(4) Signed and sealed comprehensive engineering report by a Florida-registered Professional Engineer 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.

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[subsections 62-4.050, 62-555.520, 62-555.530, and 21H-23, F.A.C.]

(5) 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 Licensee is proposing to construct has been designed and sized to provide sufficient water to meet the demand of the Licensee's project.

[subsections 62-4.050, 62-555.350, 62-555.520, and 62-555.530, F.A.C.]

c. Should the Licensee request approval to construct a potable water treatment system which produces a waste stream (e.g., softening, electro-dialysis, reverse osmosis, etc.) other than as described in the original SCA, the Licensee 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.

3. Construction

a. The Licensee must retain the services of ~~by~~ a Florida-registered Professional Engineer 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.

b. 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 Licensee 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 Licensee 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.

c. 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

SECTION B: SPECIFIC CONDITIONS

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.

d. 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.

e. In order to obtain approval to place a new portion of the potable water supply system into service, the Licensee must make a written request for clearance to the Department using Form 62-555.900(9). 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.

f. 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.

F. Groundwater

1. Monitoring Plan

When required by Florida Administrative Code Chapter 62-701, the Licensee 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.

2. Groundwater Monitoring Requirements

a. The Licensee shall sample ground water in accordance with this condition and the approved Ground Water Monitoring Plan prepared in accordance with Rule 62-520.600, F.A.C. [62-520.60007-12-2009]

b. 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

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

(1) Ground Water Elevation (Relative to Feet, NGVD)

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- (2) Benzene (µg/L)
- (3) BTEX (µg/L)
- (4) Chloride (mg/L)
- (5) Nitrate (mg/L)
- (6) pH (Standard Units)
- (7) Sodium (mg/L)
- (8) Sulfate (mg/L)
- (9) TDS (mg/L)
- (10) TRPH (mg/l)
- (11) Turbidity (NTU)

[subsection 62-520.300 (9), F.A.C.]

3. General Ground Water Conditions:

a. 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.

[subsections 62-520.200(23), 62-520.400, and 62-520.420, F.A.C.]

b. 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.

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

c. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples.

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

d. 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.

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

e. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.

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

f. 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.

[subsections 62-4.070(3), 8-16-98], [62-520.600(10) and (11)(b), 4/14/94]
[62-620.610(18), F.A.C.]

g. 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

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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.

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

G. 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.

H. 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. Licensee 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.

I. Transmission Lines

The directly associated transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The Licensee 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.

J. Storm Water Pollution Prevention Plan

Licensee is required to continue to update the Cane Island Power Park's Storm Water Pollution Prevention Plan (SWPPP) annually, as required and to implement the annual revisions to the SWPPP.

K. Industrial Wastewater

1. Operation

The facility presently includes three 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); and Unit 3, a gas-fired combined-cycle gas turbine rated at 250 MW (nominal); with Unit 4, a gas-fired combined cycle gas turbine rated at 300 MW, being added. 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 Tohopecaliga Water Authority (TWA). This supply is designated INT-01. Well water supplies additional water needs. These are designated INT-02,

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from well 2A and INT-03, from Well 2B, and INT 04 from Well # 11. Licensee may alter the flow volumes from INT-01, INT-02, INT-03, and INT-04 as required for operational needs. The TWA reclaimed water is used for cooling tower makeup water. The wells are used to supply the potable service and the demineralizer systems. 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) Transformer Area Containment Bermed Area.
- f. Roof and Site Drains.
- g. Fuel Oil Storage Tank Bermed Containment Area

2. Treatment and Disposal

Wastestream b is treated by pH neutralization and settling before mixing with Wastestreams a and c. These three wastestreams are presently returned to the TWA reclaimed water pipeline (designated as G-002) for discharge to the approved land application system. Wastestreams d and e are treated in oil/water separators prior to discharge to Class G-II ground water via percolation in two above ground impoundments designated as G-001 and G-003. 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.

3. Effluent Limitations and Monitoring Requirements:

a. Land Application Systems:

(1). Licensee is authorized to discharge, from Discharge Locations G-001 and G-003, process wastewater from the industrial wastewater treatment system (Wastestreams d & e) to impoundments onsite. Samples shall be taken at the sampling ports designated G-001 and G-003. Such discharge shall be limited and monitored by the Licensee as specified below:

Sampling ~~Ports~~Ports: G-001 and G-003

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 G003
TDS (mg/l)	Report	Report	NA	Monthly	Grab	G001 G003

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Chlorides (mg/l)	Report	Report	NA	Monthly	Grab	G001 G003
Total Nitrogen (mg/l)	Report	Report	NA	Monthly	Grab	G001 G003
Sodium (mg/l)	Report	Report	NA	Monthly	Grab	G001 G003
Sulfates (mg/l)	Report	Report	NA	Monthly	Grab	G001 G003
TRPH (mg/l)***	Report	Report	NA	2/ Month	Grab	G001 G003
pH (SU)	See Condition B.I.J.3.a.(5)					

These notes refer to the above table and the following 3 tables in sections (2) and (3):

* 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.

~~(2) — Licensee is authorized to discharge, from Discharge Location G-002, wastewater from wastestreams a, b and c to the TWA reclaimed water pipeline. Samples shall be taken at the sampling port designated G-002. Such discharge shall be limited and monitored by Licensee as specified below:~~

Sampling Port: G-002

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Point

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Flow (MGD)**	1.908	2.10	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) See Note 12 below	Report	Report	NA	Weekly	Grab	G002
Total Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	G002
Total Nitrogen (#/ day) See Note 12 below	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 B.I.J.3.a.(5)					

(32) Licensee shall sample measure the flow of the TWA reclaimed water prior to use in the Power Plant. ~~There will be a sampling port established that will be designated location INT-01 to obtain representative samples of this reclaimed water.~~ Samples Flow shall be taken measured at Location INT-01 ~~and tested~~ by Licensee as specified below:

Sampling Port: INT-01

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) See Note 12 below	Report	Report	NA	Weekly	Grab	INT-01
Nitrates as N (mg/l)	Report	Report	NA	Weekly	Grab	INT-01
Total Nitrogen (#/ day) See Note 12 below	Report	Report	NA	Weekly	Grab	INT-01
Total Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	INT-01
pH (SU)	See Condition B.I.J.3.a.(5)					

(43) 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, INT-03, and INT-04 to obtain representative samples of this ground water. These ports shall be located on the lines from Well No. 2A, Well No. 2B, and Well No.11, respectively. Samples shall be tested by Licensee as specified below:

INT-02, INT-03, and INT-04

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Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Points
Flow (gpd)** (if these are larger volumes - can be report as MGD)	Report	Report	NA	Daily	Metered	INT-02, -03, -04
TDS (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, -04
TSS (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, -04
Surfactants (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, -04
Total Nitrogen (#/day)	Report	Report	NA	Weekly	Grab	INT-02, -03, -04
Total Nitrogen as N (mg/l)	Report	Report	NA	Weekly	Grab	INT-02, -03, -04
Nitrate Nitrogen (#/day) See Note 12 below	Report	Report	NA	Weekly	Grab	INT-02, -03, -04
Nitrate Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	INT-02, -03, -04
TRPH*** (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, -04
pH (SU)	See Condition B.I. JK .3.a.(54)					

(54) The pH shall not be less than 6.0 standard units, or greater than 8.5 standard units at any time at Sampling Locations G001, G002, and G003. The pH shall be monitored twice monthly by grab sample at Locations G001 ~~and G002~~.

(65) Unless specified elsewhere in these conditions, samples taken in compliance with the monitoring requirements specified in B.I.J.3.a.(5) 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.

(76) There shall be no discharge of industrial wastewater from this facility to surface waters.

(87) Monitoring results obtained for each calendar month shall be summarized for that period and reported on a Discharge Monitoring Report (DMR), attached as Attachment C, 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

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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 this certification, the Power Plant ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

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

(109) 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.

(110) Any bypass of the treatment facility which is not included in the monitoring specified in J.3 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.

~~(12) — There shall be no net increase of Total Nitrogen and Total Nitrates in pounds per day, on an annual basis, introduced back into the TWA reclaimed water pipeline than was received from the TWA in the reclaimed 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.~~

b. Industrial Sludge Management Requirements

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

c. Waste Oil

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.

d. Mixing of Waste

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

4. Other Limitations and Monitoring Requirements

a. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and

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corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

- (1) The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
- (2) The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
- (3) If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

b. 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
Bob Martinez Center, 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,

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the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

c. 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.

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

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

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

5. Reopener Clause

a. 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:

(1) Contains different conditions or is otherwise more stringent than any condition in the permit/or;

(2) 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.

b. 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.

6. Stormwater from Diked Petroleum Storage or Handling Area

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

a. The Power Plant shall have a valid SPCC or Integrated Contingency Plan pursuant to 40 CFR 112.

b. 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.

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c. 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.

7. Operation and Maintenance Requirements

a. Operation of Treatment and Disposal Facilities

(1) The Licensee shall ensure that the operation of this facility is as described in the Applications and supporting documents.

(2) 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.

8. Specific Conditions Applicable to All Permits

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

b. 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.

c. 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.

9. Specific Conditions Related to Best Management Practices

The Licensee shall comply with the Best Management Practices portion of the SWPPP.

10. Effluent Management

The frequency and rate of effluent disposal shall be managed by Licensee to avoid secondary environmental impacts such as severe odors and other nuisance conditions.

11. Compliance Schedule

The Licensee shall achieve compliance on start of discharge.

L. Compliance

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 of Certification shall be submitted no later than 14 days following each schedule date.

M. Commencement of Construction

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

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submitted to the Central District office. The report shall be a short narrative describing the progress of construction.

N. Dust and Odors

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

O. Off-Site Water Resource Related Impacts

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

II. 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 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 Licensee 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 Licensee, the Licensee 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. Unit 4 Additional Conditions (as applicable)

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge

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Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. Interstate 4, State Road 417, and State Road 429 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the Licensee to the extent required by Section 337.403, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

2. Standards

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

3. Drainage:

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

4. Use of Air Space:

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

5. Level of Service on State Roadway Facilities:

All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of

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service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FMS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

E. Best Management Practices

1. It is recommended that the Licensee 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 4 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 Licensee 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 Licensee 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 Licensee 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.

III. ~~DEPARTMENT OF COMMUNITY AFFAIRS~~FLORIDA DIVISION EMERGENCY MANAGEMENT

A. Hurricane Preparation Plan

Licensee 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~~Florida Division Emergency Management and the Osceola County Office of Emergency Management no later than commencement of construction for Unit 3. Licensee 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~~Florida Division of Emergency Management and the Osceola County Office of Emergency Management.

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B. Plan Compliance

If the ~~Department of Community Affairs~~Florida Division Emergency Management 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.

IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

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

V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT(S)

A. Legal/Administrative Conditions

1. General

a. Responsible Entity

The Licensee 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 DEP and the SFWMD by the previous certification holder (Licensee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Licensee shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized. The previous Licensee 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.

b. Minimum Standards

This Certification is based on the Licensee'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 Licensee shall be considered the minimum standards for compliance.

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 Licensee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the project.

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e. Liability

The Licensee 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.

f. Construction, Operation, and Maintenance Responsibilities

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

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 Licensee 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.

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 Licensee 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.

i. Post Certification Construction Notifications

At least 30 days prior to the commencement of construction, the Licensee 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 Licensee to the SFWMD Environmental Resource Compliance Division (using the appropriate SFWMD Form) beginning one year after the initial construction start date.

j. Operation Authorization

Authorization for Unit 4 to begin operations shall not be granted by the DEP until it has received and approved an executed contract between the Licensee and an entity capable of receiving and disposing of any waste products generated by the proposed facility.

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

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proposed action. The SFWMD may confer with DEP to request DEP to 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.

1. 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 Licensee 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.

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 Licensee 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 Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

c. Revisions to Site Specific Design Authorizations

The Licensee 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.

d. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the Licensee and the SFWMD shall strive to resolve disputes by mutual agreement.

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.

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f. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree to vary the informational requirements.

B. Water Use Conditions

1. General

a. Water Shortage Compliance

In the event of a declared water shortage, the Licensee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

b. Interference with Existing Legal Uses

The Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

1) Inability to draw water consistent with the provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference;

2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or

3) Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

c. Harm to Existing Off-Site Land Uses

The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

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3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

d. Harm to Natural Resources

The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

2) Reduction in water levels that harm the hydroperiod of wetlands;

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

4) Harmful movement of contaminants in violation of state water quality standards; or

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

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 Licensee 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.

2. Site Specific Design Authorizations

a. Authorized Daily Withdrawals

When Units 1, 2, 3 and 4 are operating under normal operating conditions on natural gas, this Certification authorizes a maximum daily withdrawal of 0.354 MGD from the Upper Floridan aquifer for potable water, service water, and process water. When Units 1 and 2 are operating on fuel oil and Units 3 and 4 are operating on natural gas, this Certification authorizes a maximum daily withdrawal of 0.684 MGD for a maximum of 12 days per year. When Units 1, 2 and 3 are operating on fuel oil and Unit 4 is operating on natural gas, this certification authorizes a maximum daily withdrawal of 0.914 MGD for a maximum of 30 days per year.

b. Emergency Cooling Tower Makeup Water

This Certification authorizes a maximum daily withdrawal of 5.651 MGD from the Upper Floridan 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 the SFWMD's Water Use Division. These withdrawals shall only occur during

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those times when reclaimed water supply from the Tohopekaliga Water Authority is temporarily interrupted.

c. Authorized Annual Withdrawals

This Certification authorizes a maximum annual withdrawal of 319.8 MGY from the Upper 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 and Units 3 and 4 on natural gas for a maximum of 12 days, and operation of Units 1, 2 and 3 on fuel oil and Unit 4 on natural gas for a maximum of 30 days.

d. Authorized Withdrawal Facilities

- 2 - 8" X 400' X 200 GPM wells cased to 150 feet
- 4 - 10" X 400' X 450 GPM wells cased to 150 feet
- 3 - 10" X 400' X 665 GPM wells cased to 150 feet
- 1 - 10" X 400' X 250 GPM well cased to 150 feet

e. Consistency Review of Authorized Withdrawals

Within five years from the date of issuance of the Certification Order for Unit 4 and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water 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 the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

f. Request for Modification of Withdrawals

The SFWMD may request a modification of the ground water withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Section 403.516, F.S. and Section 62-17.211, F.A.C. Any request for an increase in water

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withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.211, F.A.C.

g. Dewatering Operations

Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Licensee 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.

h. Reporting Requirements

Prior to commencement of operation of Unit 4, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review For Water Use Permit Applications. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

i. Existing Well Repair, Replacement, Abandonment

If any of the existing on-site wells require repair, replacement, and/or abandonment in the future, the Licensee shall submit the information described in Chapter 40E-3, F.A.C. for review by the SFWMD prior to initiating such activities.

SECTION B: SPECIFIC CONDITIONS

j. New Well Construction

Prior to construction of the proposed on-site wells, the Licensee 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 Licensee 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.

k. Water Conservation Plan

Prior to commencement of construction of Unit 4, the Licensee shall submit a revised 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 Licensee'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 Licensee's facilities; and
- 3) Use of processes to decrease water consumption.
- 4) Development and implementation of an employee awareness program concerning water conservation.

l. Alternative Water Supply

To address the Licensee's risk that Unit 4 will not have a certain alternative water supply throughout the life of Unit 4, the Licensee shall exercise one of the two options specified below:

1) Prior to commencement of operation of Unit 4, the Licensee shall extend its reclaimed water agreement with the TWA to require a reliable supply of the necessary quantity of reclaimed water, on a consistent and constant basis, in connection with the Licensee's operation of the plant, for a minimum duration of 40 years with no unilateral termination rights on the part of TWA; or

2) By December 31, 2036, or the twenty-fifth (25th) year of the 30 year reclaimed contract term whichever comes later, the Licensee shall submit a new or extended reclaimed water contract to reflect at least a ten (10) year fixed term beyond the thirtieth (30th) contract year. If the Licensee does not, for any reason, extend its reclaimed water contract at this later date, then by December 31, 2036, the Licensee must submit a written plan to the SFWMD and the FDEP reflecting an alternative water supply (AWS) source which would be utilized and functionally complete at six months prior to the expiration of the new 30-year reclaimed water agreement. The following milestones shall be reported in the Licensee's 2036 AWS plan:

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(a) The Licensee shall submit a proposed project concept by December 31, 2036, for the SFWMD's review and approval, that includes proposed withdrawal points, reservoir storage quantities needed, estimated quantity of water available, and/or third party supply source(s), all in consideration of the then current water supply studies and comprehensive planning reports/updates completed by the SFWMD, Osceola County, the City of Kissimmee and TWA;

(b) The Licensee shall submit an application for a modification of the Unit 4 Certification to the FDEP by December 31, 2037, to include this AWS source;

(c) The Licensee shall submit the AWS project implementation plan to the SFWMD by December 31, 2038, describing how the Licensee will implement the project in partnership with other permittees or by itself, including, but not limited to, options such as interlocal agreements to construct the project or bulk water agreements to purchase water from the others who will build and operate the AWS project or who will otherwise supply the Licensee with adequate and reliable volumes of water on a constant and consistent basis from an AWS source;

(d) The Licensee shall submit an application for a modification of the Unit 4 Certification to the FDEP by December 31, 2038, to include this AWS source;

(e) If the Licensee will be developing its own AWS project instead of entering into agreement(s) with third parties, as described in subsection (c) above, the Licensee shall commence construction of the AWS project by December 31, 2039; and

(f) The Licensee shall submit confirmation of functional completeness of the AWS project to the SFWMD by December 31, 2040.

m. Temporary Construction Water Use

This Certification authorizes withdrawals from the Upper Floridan aquifer for temporary construction water use for Unit 4, subject to compliance with the maximum authorized withdrawals set forth in Conditions B.2.a and B.2.c, and the reporting requirements set forth in Condition B.2.h.

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 Licensee 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 Licensee or authorized agent shall submit as-built

SECTION B: SPECIFIC CONDITIONS

drawings of the site. The as-built drawings shall include elevations, locations, and dimensions of components of the surface water management system.

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

The Licensee 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 Licensee 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.

c. Access Roads

The Licensee 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.

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.

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.

f. Correction of Water Quality Problems

The Licensee 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.

g. Additional Water Quality Requirements

The Licensee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary.

h. Dike Designs for Minor Impoundments

SECTION B: SPECIFIC CONDITIONS

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.

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.

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.

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 SFWMD 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.

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:

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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.

b. Transmission Line and Water Supply Pipeline Construction Plans

Prior to the commencement of construction of any portion of the proposed transmission line or water supply pipeline, all construction activities for that portion of the transmission line or water supply pipeline 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 or

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water supply pipeline 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 or water supply pipeline 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.

c. Hazardous Materials Management

Prior to the commencement of construction of this project, the Licensee shall submit a copy of the revised 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.

D. *Environmental Conditions*

1. General

a. Wetland Avoidance

The Licensee shall avoid impacting wetlands within the power plant Site and transmission line and water supply pipeline corridors wherever practicable. Where necessary and feasible, the location of the facilities shall be varied to eliminate or reduce wetland impacts.

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.

c. Additional Wetlands Mitigation

The Licensee 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.

d. Additional Environmental Review

The Licensee 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.

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 Licensee shall:

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1) Field stake and rope off the perimeter of the protected wetlands and buffer zones to prevent encroachment into the wetlands. The Licensee 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 Licensee 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.

b. Preserved Wetlands Monitoring Plan

Prior to the commencement of construction, the Licensee shall submit to the SFWMD for review and approval, if additional wetland impacts are proposed, 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.

c. Transmission Line and Water Supply Pipeline Wetland Impacts

Prior to the construction of any portion of the proposed transmission line or water supply pipeline, 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 or water supply pipeline 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;

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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.

d. Transmission Line and Water Supply Pipeline Mitigation Plan

Prior to the construction of any portion of the proposed transmission line or water supply pipeline, a mitigation plan to offset any wetland impacts associated with the proposed transmission line or water supply pipeline 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 or water supply pipeline 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.

VI. OSCEOLA COUNTY

A. The Licensee shall not to exceed the sound level of 55 dBA at the property line in the residential areas. Licensee has voluntarily agreed to submit a quarterly noise monitoring report to the Growth Management Department to ensure compliance.

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B. These special conditions supercede the conditions in CU92-86.

C. Within 30 days of commencement of operation of the combustion turbine power plant Unit 4, the licensee shall monitor the noise impacts from the facility at the boundaries of the Site to ensure that the noise impact generated by the facility complies with the maximum allowed 55 dBA. The Licensee shall forward the results of the monitoring and modeling to the County Zoning Division. If the noise impacts exceed the maximum allowed 55 dBA, the Licensee shall immediately take corrective action to bring operation of the facility into compliance with the respective sound level.

D. If Osceola County can negotiate the establishment of a site for a future park with the South Florida Water Management District, the Licensee will not object.

E. The Licensee agrees to comply with any future changes which relate to the magnetic field which would cause the regulatory agencies to change the regulations.

F. The Licensee shall specify the timing of construction and truck routes as part of the EIP approval.

G. The Licensee has elected to defer capacity reservation for a 300 MW combined cycle combustion turbine unit. Therefore, the Licensee will provide a Final Concurrency Application, including a letter of service intent and adequate capacity at the appropriate level of service, or lack thereof, to serve the proposed development, from the utility provider for water and sewer at the time of the Engineering Improvement Plan Submittal. Prior to receiving Engineering Improvement Plan (Final Development Order) approval for this project, a positive concurrency evaluation is required.

H. Construction noise shall not exceed noise requirements of the Osceola County Noise Ordinance except as exempted by the Conditional Use Permit CU08-00023, or as exempted by the Ordinance between 7 a.m. and sunset. The Licensee shall notify area residents in advance of the onset of the steam blowout of the heat recovery steam generator and steam lines phase of construction, which shall be conducted between 7:00 a.m. and sunset.

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 Oven
Modified 03/07/05; signed by Siting Administrator Oven
Modified 07/12/06, signed by Siting Administrator Oven
Modified 03/11/10; signed by Siting Administrator Halpin
Modified 04/22/11; signed by Siting Administrator Mulkey
Modified XX/XX/15: signed by Director Green