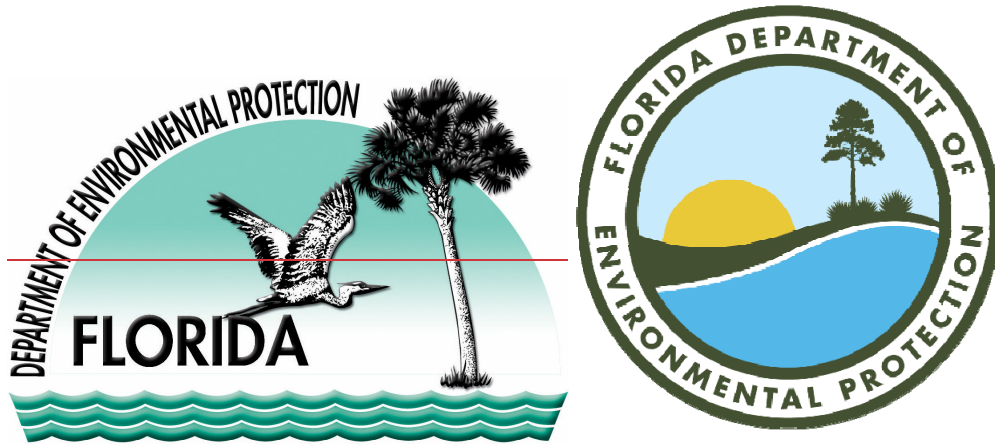


**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
St. Lucie Power Plant
Nuclear Units 1 & 2**

PA 74-~~02A~~202J

**Modified
XX/XX/2023 ~~September 17, 2008~~**

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~~Appendix A: FESOP #1110071-005-AF~~

~~Appendix B: NPDES Permit FL0002208-003-IW1S~~

~~I. — CERTIFICATION CONTROL~~ Replaced by Section A. Condition I. Scope

~~A. — Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Florida Power & Light Co. (FPL) as owner/operator of the St. Lucie Power Plant. Under the control of these Conditions of Certification FPL will operate a 1886 MW (nominal) facility consisting of two nuclear Units No. 1 and No. 2 (and ancillary equipment). These units are located within the approximately 177-acre certified area on the approximately 1,130-acre FPL site which is located on Hutchinson Island, St. Lucie County, Florida.~~

~~B. — The general and specific conditions contained in these Conditions of Certification, unless specifically amended or modified, are binding upon the licensee and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified.~~

~~II. — APPLICABLE RULES~~ Replaced by Section A. Condition II. Applicable Department Rules

~~The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Department and Water Management District rules, including the following regulations: [South Florida WMD: 40E-1, 40E-2, 40E-3, 40E-4, 40E-8, 40E-21, 40E-40] 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, 62-770, and 62-780 Florida Administrative Code (F.A.C.), or their successors as they are renumbered.~~

~~III. — DEFINITIONS~~ Replaced by Section A. Condition IV. Definitions

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

~~A. — "Application" shall mean the Site Certification Application (SCA) for the certified facility, as supplemented.~~

~~B. — "DEP" or Department shall mean the Florida Department of Environmental Protection.~~

~~C. — "DHR" shall mean the Florida Department of State, Division of Historical Resources.~~

~~D. — "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.~~

~~E. "Facility" shall mean the certified electrical power generation facility and all associated structures, including but not limited to: nuclear steam generating unit, steam turbine generators, transformers, associated transmission lines, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, and related structures.~~

~~F. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.~~

~~G. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.~~

~~H. "Licensee" means an applicant that has obtained a certification order for the subject project.~~

~~I. "NPDES permit" shall mean the federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.~~

~~J. "Power plant" shall mean the electric power generating plant and associated structures to be modified or constructed on the certified site, as generally depicted in the Application.~~

~~K. "Project" shall mean the Units 1 and 2 electrical power generating facility and all associated facilities.~~

~~L. "SFWMD" shall mean the South Florida Water Management District.~~

~~N. "Title V permit" shall mean the federal permit issued in accordance with Title V of the federal Clean Air Act~~

~~IV. GENERAL CONDITIONS~~

~~A. Facilities Operation Replaced by Section A. Condition XXXI. Facility Operation~~

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

~~2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, facility operation may be allowed to resume and continue to take place under an appropriate Department order, provided that the licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, 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 this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.~~

Replaced by Section A. Condition VIII. Emergency Condition Notification and

Restoration

~~B. Records Maintained at the Facility Replaced by Section A. Condition XXXII. Records Maintained at the Facility~~

~~1. These Conditions of Certification or a copy thereof shall be kept at the work site of the approved activity.~~

~~2. The licensee shall hold at the facility, or other location designated by this approval, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. The licensee shall provide copies of these records to the Department upon request. If the licensee becomes aware of relevant and material facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.~~

~~C. Change in Discharge Replaced by Section A. Conditions V. Federally Delegated or Approved Permit Programs, XXIV Modification of Certification, paragraph D., and XXXIII. Water Discharges~~

~~All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharges or pollutants, change in fuel, or expansion in steam generating capacity must be reported by submission of an application for amendment or modification pursuant to Chapter 403.516, F.S.~~

~~D. Noncompliance Notification Replaced by Section A. Condition VII. Notification~~

~~If, for any reason, the licensee does not comply with or is unable to comply with any limitation specified in this certification, the licensee shall notify the Southeast District Office of the Department by telephone during the working day that said noncompliance occurs. After normal business hours, the licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The licensee shall confirm this situation to the DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:~~

- ~~1. A description of the discharge and cause of noncompliance; and,~~
- ~~2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and,~~

~~3. Steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.~~

~~E. Adverse Impact Replaced by Section A. Condition XXXI. Facility Operation~~

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

~~F. Right of Entry Replaced by Section A. Condition X. Right of Entry~~

~~The licensee shall allow authorized Department personnel, including authorized representatives of the Florida Department of Environmental Protection, Water Management Districts, and/or United States Environmental Protection Agency, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, and recognizing the security that must be maintained at the facility, depending upon the nature of the concern being investigated:~~

~~1. To enter upon the licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and,~~

~~2. To have access to and copy any records required to be kept under the conditions of this certification; and,~~

~~3. To inspect and observe the permitted facilities, equipment, practices, or operations regulated or required under these Conditions to determine compliance with the approved plans, specifications and conditions of this certification; and,~~

~~4. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.~~

Anyone seeking access into the licensee's "Protected Area" (as defined pursuant to 10 CFR Part 73), must meet all of the requirements for access into the Protected Area and be escorted at all times while in the Protected Area. Further, pursuant to 10 CFR Part 100, the licensee shall have the authority to exclude or remove anyone from the Exclusion Area in case of emergency, to protect the public health and safety. **Moved to Section A. Condition X. Right of Entry**

~~G. Enforcement Replaced by Section A. Condition XIII. Enforcement~~

~~1. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514. Any noncompliance with a Condition of Certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this approval periodically and may initiate enforcement action for~~

~~any violation of these conditions.~~

~~2. All records, notes, monitoring data and other information relating to the construction or operation of this certified source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.~~

**~~H. Revocation or Suspension~~ Replaced by Section A. Condition XIV.
Revocation or Suspension**

~~This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification. This approval is valid only for the specific processes and operations identified within the application and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.~~

**~~I. Civil and Criminal Liability~~ Replaced by Section A. Conditions XV.
Regulatory Compliance and XVI. Civil and Criminal Liability**

~~1. This certification does not relieve the licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.~~

~~2. This certification does not relieve the licensee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.~~

~~3. As provided in Subsections 403.087(7), 403.511, 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 approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated programs.~~

~~4. Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the licensee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.~~

**~~J. Property Rights~~ Replaced by Section A. Conditions XV. Regulatory
Compliance and XVII. Use of State Lands**

~~The issuance of this certification does not convey any property rights in~~

~~either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The applicant shall obtain title, lease or right of use from the State of Florida, to any sovereign submerged lands utilized by the project.~~

K. Severability ~~Moved with revisions to Section A. Condition XII.~~
Severability

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

~~L. Review of Site Certification Replaced by Section A. Condition XIV.~~
Revocation or Suspension

~~The certification shall be final unless revised, revoked or suspended pursuant to law. At least every five years from the date of issuance of certification the Department will review all monitoring data that has been submitted to it during the preceding five year period for the purposes of determining the extent of the Licensee's compliance with the conditions of this certification and the environmental impact of this facility. Such review will be repeated at least every five years thereafter.~~

~~M. Procedural Rights Replaced by Section A. Condition 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 the licensee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.~~

~~N. Modification of Conditions Replaced by Section A. Condition XXIV.~~
Modification of Certification

~~The conditions of this certification may be modified in the following manner:~~

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

~~2. 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 Permittee 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. The Department shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.~~

~~3. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.~~

~~4. Any modification to these conditions shall only affect the units or other facilities that are the subject of the modification request or the Department's proposed order of modification.~~

**~~O. Transfer of Certification Replaced by Section A. Condition XXVII.~~
Transfer of Certification**

~~This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rules 62-17.211(3) and 62-730.300, F.A.C., as applicable. The licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.~~

~~P. Safety Replaced by Section A. Conditions XV. Regulatory Compliance, XX. Professional Certification and XXXI. Facility Operation~~

~~The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The applicable Federal Occupational Safety and Health Standards shall be complied with during construction and operation.~~

~~Q. Screening Moved to Section B. Condition VIII. Screening~~

~~The Licensee shall maintain existing screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.~~

~~R. Toxic, Deleterious or Hazardous Materials Replaced by Section A. Conditions VII. Notification and XXXIV. Water 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 Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic~~

~~community within surface waters affected by the ground water at the point of contact with surface waters.~~

~~2. The licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephone report shall be submitted by calling the DEP District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.~~

S. Noise ~~Moved to Section B. Condition VII. St. Lucie County~~

Construction noise shall not exceed noise criteria or any applicable requirements of St. Lucie County.

T. Flood Control Protection ~~Moved to Section B. Condition VII. St. Lucie County~~

Any new facilities for the certified facilities or associated facilities shall be constructed in such a manner as to comply with the appropriate County flood protection requirements, which may include flood proofing or raising the elevation of the new or expanded facilities above the 100-year flood level. However, existing facilities are not required to be modified to comply with such flood control protection standards.

~~U. Historical or Archaeological Finds Replaced by Section B. Condition V. Department of State - Division of Historical Resources~~

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

~~V. Endangered and Threatened Species Replaced by Section B. Condition IV. Florida Fish and Wildlife Conservation Commission~~

~~Prior to start of construction, the licensee shall survey the portion of the certified site which may be affected by construction for endangered and threatened species of animal and plant life. Plant species listed as endangered or threatened by the federal government and plant species listed as endangered by the state shall be transplanted to an appropriate area if practicable. Gopher tortoises and any commensals on the rare or endangered species list shall be relocated after consultation~~

~~with the FWC. A relocation program, as approved by the FWC, shall be followed. Entombment of gopher tortoises shall not be allowed.~~

~~W. Dispute Resolution Replaced by Section A. Condition XI. Dispute Resolution~~

~~If a situation arises in which mutual agreement cannot be reached between the Licensee and an agency exercising its regulatory jurisdiction under these conditions, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.~~

~~X. Laboratories and Quality Assurance Replaced by Section A. Condition XXVIII. Laboratories and Quality Assurance~~

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

~~2. The licensee shall ensure that all samples required pursuant to this certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.~~

~~3. Records of monitoring information shall include:~~

- ~~a) the date, exact place, and time of sampling or measurements;~~
- ~~b) the person responsible for performing the sampling or measurements;~~
- ~~c) the dates analyses were performed;~~
- ~~d) the person responsible for performing the analyses;~~
- ~~e) the analytical techniques or methods used; and,~~
- ~~f) the results of such analyses.~~

~~Y. Procedures for Post-Certification Submittals Replaced by Section A. Conditions XXI. Procedures for Post-Certification Submittals and XXII. Post-Certification Submittal Requirements Summary~~

~~1. The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected~~

~~agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent. (62-17.191, F.A.C.)~~

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided
-	-	-	-

~~2. Purpose of Submittals: Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by the licensee are for the purpose of facilitating monitoring by the Department of the effects arising from the certified facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.~~

~~3. Filings: All post-certification submittals of information by the licensee or copies of applications for separate federal permits which are to be issued by State agencies are to be filed with DEP Siting Office. Copies of each submittal shall also be simultaneously copied to any other agency indicated in the specific conditions requiring the post-certification submittals.~~

~~4. Completeness: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If the submittal is found to be incomplete, the licensee shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness. (62-17.191, F.A.C.)~~

~~5. Interagency Meetings: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.~~

~~6. Reasonable Assurance of Compliance: Within ninety (90) days of the filing of a complete post-certification submittal, unless another date is specified herein, DEP shall give written notification to the licensee and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify the licensee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a determination of reasonable assurance of compliance.~~

~~V. CONSTRUCTION~~

~~A. Standards and Review of Plans Replaced by Section A. Conditions VI. Design and Performance Criteria, XXI. Procedures for Post-certification Submittals, and XXIX. Environmental Resources including Attachment C.~~

~~1. All construction at the certified facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable. The licensee shall not proceed with construction without a written authorization from the Department.~~

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

~~3. Ninety (90) days prior to the anticipated date of first operation of a new facility, the Licensee shall provide the Southeast District and the Siting coordination Office of the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge as referenced in Condition IV.C. since the time of the approval of the facility. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.~~

~~4. Final drainage plans illustrating any new or modified stormwater treatment facilities and conveyances for construction phases of the certified facility site shall be submitted to the DEP Southeast District Manager and the SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal. Analysis report of the produced ground samples shall be submitted 30 days before surface water discharge begins.~~

~~B.~~ Control Measures

~~1. During construction and plant operation, necessary measures shall be used to settle, filter, treat or absorb silt containing or pollutant laden stormwater runoff to limit the suspended solids to 50 mg/1 or less at the POD during rainfall periods not less than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity to more than 29 NTUs above background in waters of the State. Control measures shall consist at the minimum, of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt and sediment laden runoff. The pH shall be kept within the range of 6.0 to 8.5, after opportunity for reasonable mixing.~~ **Replaced by Section A. Conditions V. Federally Delegated and Approved Permit Programs, XXIX. Environmental Resources and XXXIII. Water Discharges**

~~2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be reviewed by the DEP Southeast District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.~~ **Replaced by Section A. Condition IX. Construction Practices, paragraph B.**

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency. **Moved to Section A. Condition IX. Construction Practices**

~~4. Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.~~ **Replaced by Section A. Condition XXXIV. Solid and Hazardous Waste, paragraph A.**

5. Construction noise shall not exceed noise criteria or any applicable requirements of St. Lucie County. To mitigate the effects of noise produced by any steam blowout of steam boiler tubes, the licensee shall conduct reasonable public awareness campaigns prior to such activities to forewarn the public that may be affected by the noise of the estimated time and duration of the noise. **Moved to Section B. Condition VII. St. Lucie County B.**

~~6. The licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.~~ **Replaced by Section B. Condition I. Department of Environmental Protection, paragraph A.**

~~7. Directly associated transmission lines from the facility electric switchyard to existing 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 Department of the type of herbicides to be used at least 60 days prior to their first use.~~ **Replaced by Section B. Condition VI. Department of Agriculture and Consumer Services**

~~8. Dewatering operations during construction shall be carried out in accordance with Rule 62-621.300(2), F.A.C.~~ **Replaced by Section A. Condition XXXIII. Water Discharges, paragraph A. 3**

C. Environmental Control Program Moved with revision to Section B. Condition I. Department of Environmental Protection, paragraph B.

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Licensee shall notify the DEP Siting Office and Southeast District Office as required by ~~Condition IV. D., Noncompliance~~Section A. Condition VII. Notification.

~~D. Reporting~~ **Replaced by Section A. Condition XXIX. Environmental Resources, paragraph A.**

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

~~E. Construction in Waters of the State~~ **Replaced by Section A. Conditions XVII. Use of State Lands and XXIX. Environmental Resources**

~~No construction on sovereignty submerged lands shall commence without obtaining lease or title from the Department of Environmental Protection. Construction of intake and discharge structures should be done in a manner to minimize turbidity. Sheet piles or turbidity screens should be used if necessary to prevent turbidity in excess of 29 NTU above background beyond 150 meters from the POD and/or construction site.~~

~~F. Discharge and Intake Lines Deleted as already constructed~~

~~1. Construct a temporary dune and use sheet piling to protect against wave damage when the dune is cut. Native plantings will be maintained as much as possible.~~

~~2. Survey the beach area subject to construction activities for sea turtle nests and relocate any present if construction takes place on the beach during the nesting season.~~

~~3. Dispose of dredge spoils at an approved onshore site.~~

~~4. Use sheet piling or other acceptable methods around the area~~

~~being dredged to minimize siltation of the adjacent waters.~~

~~**G**~~ ~~**Dike Removal Deleted as already completed**~~

~~During construction of Unit 2 the dike around the mangrove area north of the discharge canal shall be opened up to Big Mud Creek by breaching the dike in three (3) places. Each breach in the dike shall be a minimum of ten feet (10') wide at the bottom and the bottom elevation of the breach shall not be higher than one foot below mean sea level (-1' MSL) or deeper than -3' MSL.~~

~~**VI.**~~ ~~**SPECIFIC CONDITIONS**~~

~~**A.**~~ ~~**Air Replaced by Section A. Condition V. Federally Delegated or Approved Permit Programs**~~

~~Air emissions from the FPL St. Lucie plant shall remain below the "Major Source of Air Pollution" or "Title V Source" thresholds (as defined in 62-210.200, F.A.C.) subject to the terms and conditions of Federally Enforceable State Operating Permit (FESOP) #1110071-005-AF, and any subsequent modifications thereof, (attached as Appendix A) pursuant to 62-210.300(2)(b). At such time that FPL relinquishes ownership of or the Department denies renewal of permit #1110071-005-AF, or the St. Lucie Plant is no longer able to stay below the Title V Source thresholds, FPL shall submit an application to the Department's Division of Air Resource Management (DARM) for a Title V Air Operation Permit and/or other permits as required. The Siting Office shall be copied on all correspondence related to Federally Enforceable State Operating Permit (FESOP) #1110071-005-AF, subsequent modifications thereof including any Title V applications and related permit documentation.~~

~~**BA**~~ **Water Discharges**

~~**1.**~~ ~~**Effluent Standards and Limitations Replaced by Section A. Condition V. Federally Delegated or Approved Permit Programs**~~

~~Any discharges into any waters of the State during construction and operation of Units 1 and 2 shall meet the standards set forth in Chapters 62-4, 62-160, 62-302, 62-601, 62-650 and 62-660, F.A.C., and any subsequent amendments except for variance granted pursuant to Sections 403.201(c) and 403.511(2), and the sections of NPDES permit FL0002208-003-IW1S (attached as Appendix B) applicable to Units 1 and 2 and any subsequent modifications, amendments or renewals, and the following;~~

~~**2.**~~ ~~**Water Monitoring Program Moved to Section. B. Condition I Department of Environmental Protection, paragraph F.**~~

A monitoring program shall be undertaken by Florida Power & Light Company on the receiving waters and area waters as generally described as follows:

a) Emergency Cooling Canal Monitoring

There shall be instituted a monitoring program to study the dissolved oxygen (D.O.) concentrations in Big Mud Creek and the Emergency Cooling Canal.

i. Monitoring of Tests - The dissolved oxygen (D.O.) of the water withdrawn from Big Mud Creek via the emergency cooling system intake shall be monitored during each test. If the results of the monitoring program should indicate that water containing a D.O. level of less than 4 mg/l is being withdrawn, then the D.O. level of the water in the discharge canal shall be monitored as well during each subsequent test. The results of each test will be reported to the Department in the next quarterly monitoring report.

ii. Corrective Measures - If the monitoring should indicate that water containing less than 2 mg/l of dissolved oxygen is being discharged to the Atlantic Ocean, a procedure will be developed and implemented to prevent the discharge of oxygen depleted water.

b) Water Monitoring Program Review

The results and analysis of the biological, chemical and physical monitoring program will be submitted to the Division of Environmental Permitting of the Department for review at the end of the first year after Unit 2 commences operation and each year thereafter to determine the necessity and/or extent of their continuation. The methods and procedures utilized in the monitoring program shall be approved by the Department and also be reviewed annually by the Department and Florida Power & Light.

[Certification, 1975]

3. Other Monitoring Programs Moved to Section. B. Condition I Department of Environmental Protection, paragraph G

There shall also be implemented the pre-operational and post-operational environmental monitoring programs prescribed by the Nuclear Regulatory Commission and other Federal agencies. Copies of any reports required by such Federal agencies shall be submitted to the Department.

[Certification, 1975]

4. Defouling Operations Moved to Section. B. Condition I Department of Environmental Protection, paragraph H

Ninety (90) days prior to conducting any defouling operations on intake or discharge lines, a plan of operation shall be submitted to the Department detailing when and how the defouling operation will take place. The defouling operation shall be conducted in such a manner that the water quality standards of Chapter 62-302, FAC, will not be violated.

[Certification, 1975]

5. Sanitary Wastes ~~Disposal System~~ Moved to Section. B. Condition I Department of Environmental Protection, paragraph I with revisions

Domestic wastewater from the St. Lucie plant is disposed via a force main to a regional sewage collections system with Fort Pierce Utilities

~~Authority. Sanitary wastes shall be collected and treated in accordance with Chapters 62-600, 62-601, 62-604, 62-610, 62-620 and 62-640, FAC, and DEP permits DO56-34536 and DO56-37127 or such permits as may be subsequently reissued or modified.~~

~~C. Environmental Resource Review Replaced by Section A. Condition XXIX. Environmental Resources, paragraph A.~~

~~1. General Requirements~~

~~a) At least 48 hours prior to commencement of any activity authorized by these conditions, FPL shall submit to the Department an "Environmental Resource Permit Construction Commencement notice (Form No 62-343-900(3), FAC) indicating the actual start date and the expected completion date of construction.~~

~~b) When the duration of construction will exceed one year, FPL shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form (Form No. 62-343-900(4), FAC). Status Report Forms shall be submitted the following June of each year.~~

~~c) Within 30 days after completion of construction of the permitted activity, FPL shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No 62-343-900(5), FAC). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.~~

~~d) The operation phase of any activity allowed by these conditions shall not become effective: until FPL has complied with the requirements of condition (c) above, has submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343-900(7), FAC); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District—August 1995, accepts responsibility for operation and maintenance of the system.~~

~~e) Any surface water system shall be constructed as shown in the approved submitted drawings, plans and other documents. The licensee shall ensure that the conditions are explained to all construction personnel working on the project and shall provide each contractor and subcontractor with a copy of these conditions before the authorized work begins.~~

2. Independent Spent Fuel Storage Installation (ISFSI) Pad Moved with revisions to Section B. Condition I. Department of Environmental Protection, paragraph C.

The ~~proposed activity involves the construction of an~~ Independent Spent Fuel Storage Installation (ISFSI) pad at the St Lucie Power Station (PSL) on an approximately 5.9-acre portion of the PSL property. ~~The project involves the construction and operation of a~~An operational surface water management system to serve the ISFSI. (Construction authorization of the ISFSI surface water management system)

~~FPL is hereby authorized to construct the work~~ shown on the application and approved drawings, plans, and other documents are on file with the Department as (ERP#SI 56-0041384-003). Operation of the ISFSI surface water management system is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions as specifically described herein.

a) Surface Water System Design:

i. ~~Proposed Existing Facilities: The ISFSI is comprised of flat concrete pads where the casks are stored. The proposed project involves the construction of the ISFSI and associated grading on an approximately 5.9 acre area portion of the PSL property. The ISFSI will serve as a facility for the interim storage of spent nuclear fuel from the power generation plant. The proposed ISFSI will be comprised of flat concrete pads where the casks will be stored.~~ The ISFSI pad site is located in an area of the plant referred to as the "South 40". An existing drainage ditch (IWW) is located approximately 50 feet to the west of the site. The Intake Canal is located to the south (approximately 150 feet) and west. The ~~proposed~~ surface water management system includes a system of inlets, catch basins and pipes conveying stormwater flow to a sediment forebay and detention pond. The ~~proposed~~ sediment forebay will be about 1-ft deep and about 8,500 square feet in area. The forebay will be set with a bottom elevation of 8 ft MLW and discharges to the ~~proposed~~ detention pond via an 85-ft long riprap overflow weir with crest elevation of 9 ft MLW. A filtered orifice set at the bottom of the forebay will ensure the forebay stays dry.

The detention pond is to function as a wet pond, with a 4-ft deep permanent pool. The pond is about 85 ft wide by 256-long at the orifice invert elevation of 6.0 ft, and its side slopes are 4 horizontal to 1 vertical. The bottom of the pond is set at elevation 2.0 ft. An outlet control structure is proposed to contain a minimum 3-inch orifice, a 2-ft long "25-year" weir, and an overflow/drop inlet. The ~~proposed~~ detention pond will be about 22,000 square feet in area and about 8 ft deep (maximum). The pond will discharge to the intake canal via an outlet control structure.

ii. *Discharge Structure Information:* The outlet control structure is a multi-level outlet structure which contains:

3-inch diameter; orifice outlet at Elevation 6.0 ft MLW;

2-ft long "25-year" weir at Elevation 7.0 ft MLW;

Overflow weir / drop inlet at the top of the structure at Elevation 8.25 ft MLW.

- iii. Design Storm Frequency: 25 year, 3 day
- iv. Design Rainfall: 10.2 Inches

Basin	Allowable Discharge (cfs)	Method of Determination	Design Discharge (cfs)	Design Stage (ft. MLW)
Project Site	30.7	Pre/post storm event	19.9	8.6

v. Water Quality: The regulatory treatment volume equal of 2 5-inches of runoff over the project's impervious area

vi. Minimum Design Elevations: Minimum finish floor elevation is @ 18.0 feet which is above the 100-year, 3-day stage. The ISFSI pad design elevation (top of pad) was established to accommodate the storm surge and wave run-up associated with the Probable Maximum Hurricane.

b) Specific Conditions

i. Discharge facilities: 2-ft long "25-year" weir at Elevation 7.0 ft MLW; 3-inch diameter orifice outlet at Elevation 6.0 ft, MLW; Overflow weir/drop inlet at the top of the structure at Elevation 8.25 ft MLW; 5 - 10- inch discharge culverts to intake canal.

ii. Maintenance of Storm Drainage System: At a minimum, the following maintenance shall be Conducted:

Catch Basins and Manholes: A monitoring program, including inspection and monitoring of sediment accumulation, will be implemented for catch basins and manhole structures. At a minimum, catch basins will be inspected monthly and cleaned on an as-needed basis (when sediment accumulation is within 1-foot of the outlet invert). Collection of accumulated sediment and hydrocarbons will be accomplished by means of vacuum pumping. Disposal of accumulated sediment and hydrocarbons should be performed in accordance with applicable local, state, and federal guidelines and regulations.

Outlet Control Structure: The outlet control structure should be inspected for accumulation of sediment and debris, after storm events which result in flow over the 25-year weir, and periodically to ensure its effective performance. Sediment and debris should be removed as needed.

iii. Additional Water Quality Requirement: The Department reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

**3. Switchyard Expansion Moved to Section B. Condition I.
Department of Environmental Protection, paragraph D with revisions.**

~~The project entails the expansion of the existing St. Lucie Switchyard to be constructed on 1.10 acres of land.~~ These conditions involve the construction and operation of a surface water management system associated with the existing St. Lucie Switchyard expansion on approximately 1.1 acres (ac.). The surface water management system will consist of a dry detention system, where water quality and storm attenuation will be beare provided prior to the discharge to the Big Mud Creek via a control structure.

~~FPL is hereby authorized to e~~ (Construction authorization of the expansion the work shown on the application and approved drawing(s), plans, and other documents are on file with the Department ~~(as~~ ERP#SI 56-0252569-001). Operation of the switchyard surface water management system is not authorized except when determined to be in conformance with all applicable rules and with the specific conditions as specifically described herein.

a) Surface Water System Design:

Project Area: 1.10 acres.

Drainage Area: 1.10 acres

Drainage Basin: Indian River and Big Mud Creek

i. *Proposed Facilities:* The stabilized pad with gravel cover will be sloped to drain runoff to the proposed dry detention pond. An additional 50% of treatment will be provided as a result of discharge to the Indian River, which is an Outstanding Florida Water (OFW). The detention will be provided for the expansion site only. Overflow of this pond will continue to flow north to the Big Mud Creek Basin.

ii. *Applicable Land Area:* The total project site drainage area is 1.10 acres and it includes the following:

Land Use	Gravel (ac.)	Open Space (ac.)	DDA (ac.)
Site	0.56	0.28	0.26

* DDA = Dry Detention Area

iii. Basin Information:

Basin	Project Area (ac.)	Drainage Area (ac.)	WSWT Elev. (ft. NGVD)	Normal/Dry Ctrl Elev. (ft. NGVD)	Method of Determination
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Site	1.10	1.10	3.0	3.0	Soil borings
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iv. *Discharge Rate:* The proposed surface water management system has been designed for the 25-year, 3-day storm.

v. *Discharge Structure:*

Str.#	Description	Crest Elev. (ft. NGVD)	Discharge
Structure	Type E Inlet - Rectangular w 2'	5.3	To Big Mud Creek via 268 lf HDPE

Basin	Allow Disch. (cfs)	Method of Determination	Design Disch. (cfs)	Design Stage (ft. NGVD)
Site	4.51	Pre/post	2.45	5.78

vi. *Water Quality:* Water quality treatment volume of 150% over the entire site will be provided by dry detention system.

Basin	Treatment Method	Volume Required (ac.-ft.)	Volume Provided (ac.-ft.)
Site	dry detention system	0.13	0.13

vii. *Finished Floors:* Proposed minimum finished stabilized pad elevation has been set at 13.41ft. NGVD, which is above the 100-year, 3-day stage calculated at 8.89 ft. NGVD.

b) *Specific Conditions:*

i. *Surface Water Management System:* The surface water management system shall be constructed in accordance with approved drawings/submittals. The stormwater management system shall be designed for dry pretreatment and total on-site detention for the 25-year, 3-day design storm event. FPL shall ensure that these conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this license before the authorized work begins.

ii. *Perpetual Maintenance.* FPL shall be responsible for perpetual operation and maintenance of the surface water management system. FPL shall maintain the stormwater system to ~~insure~~ensure that it operates as designed.

The sediment basins shall be maintained (cleaned out) by the operator. The operator is responsible for maintaining a maintenance log, that documents when maintenance work was last performed (~~Form # 62-343.900(6) FAG~~).

iii. Perimeter Grade: Perimeter grades around the proposed site shall be set at the minimum elevation in order to prevent runoff from the developed areas of the project from short-circuiting the SWMS, and draining off-site. Approval from FDOT or a Municipal Connection permit may be required if stormwater from the driveway areas is not fully retained.

~~iv. Dewatering. No dewatering shall be conducted without the appropriate authorization. Dewatering activity may require an Industrial Wastewater authorization (Tim Powell @ 561/681-6684, DEP/West Palm Beach) and SFWMD approval.~~ **Replaced by Section A. Condition XXXIII. Water Discharges, paragraph A. 3**

v. Additional Requirements: The Department reserves the right to require that water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

vi. Exotic Species: FPL shall maintain the switchyard expansion site and construction site, free from the invasion or establishment of the plants listed on The Florida Exotic Pest Plant Council's (EPPC) 2001 List of Florida's Most Invasive Species. The landscaping within the project site shall not include plants that are on the EPPC list. Ensure that environmentally safe application measures are upheld if herbicides are used.

vii. On-site Construction: The work authorized by this ~~permit license~~ shall not be conducted on any property, other than that owned by the ~~permittee licensee~~, without the prior written approval of that property owner.

D. Vegetation Dunes and Wildlife ~~Moved to Section B. Condition I. Department of Environmental Resources, paragraph J.~~

1. Vegetation

Native vegetation will be planted at the earliest feasible time to replace any portion of the light screen installed behind the beach dune for Unit No. 1 that is disturbed for Unit No. 2 construction. Facility lighting added for Unit No. 2 will be shielded or directed to minimize sky shine. Rather than planting Australian Pine, the licensee shall use native vegetation such as live oak, native figs or wild tamarind in order protect the barrier sand dune and to act as a light shield if needed to protect turtle hatchlings, unless directly prohibited by the Nuclear Regulatory Commission.

2. Dunes

In restoring the ocean dune to its original condition after installation of the Unit No. 2 discharge and intake lines, the licensee will replant the dune at the earliest feasible time with dune stabilizing plants native to the area, such as sea oats (Uniola paniculata) or sea grape (Coccoloba uvifera).

3. Facility Lighting

Elevated plant lighting will be shutdown to the extent possible during passage of storm fronts to minimize bird kills.

4. Edible Refuse

Edible refuse will be carefully disposed of to prevent accessibility by raccoons with resulting increased turtle predation.

5 Fish Entrapment

Fish entrapment shall be monitored in the intake canal even during the time only one unit is in operation. If unusually large numbers of fishes are entrapped, the licensee will furnish the Department a plan to mitigate such entrapment.

[Certification, 1975]

E. Water Withdrawal for Emergency Cooling System Moved to Section B. Condition I. Department of Environmental Protection, paragraph E

The withdrawal of water for the testing and functioning of the emergency cooling systems for the St. Lucie Plant from that portion of the Indian River known as Big Mud Creek shall be in accordance with the following:

1. Testing of the alternate emergency cooling systems not to exceed 4,000,000 gallons per year for Unit No. 2 when combined with Unit No. 1.
2. Flow of water in the alternate emergency cooling system, in the event that the main source of emergency cooling water from the Atlantic Ocean is not available, shall not exceed 60,000 gallons per minute, and may continue until the main source of emergency cooling water has been restored.
3. The licensee shall notify the Southeast District Office of the Department prior to each test of the emergency cooling canal system, and shall also notify the Department of any use of the emergency cooling canal system lasting more than twelve (12) hours.

F. Radiological Moved to Section B. Condition I. Department of Environmental Resources, paragraph K.

1. Decommissioning

Upon application to the NRC for authority to decommission the plant, the applicant shall provide the Department a copy of the plan submitted to NRC for radioactive materials removal and/or containment for the site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the applicant and the NRC and maintains the right to initiate a request, consistent with NRC procedural requirements that remedial action be taken to correct the deficiencies.

2. Emergency Plan

The applicant shall work with the State Division of Emergency

Management in the Department of Community Affairs and the State Department of Health, Bureau of Radiation Control, and St. Lucie County in biennially updating the emergency procedures and evacuation planning as necessary, including but not limited to improvements in communication and warning systems and in updating predicted plume overlays.

3. *Radiological Release Limitations*

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the applicant must comply with all applicable regulations, requirements, and standards of the U.S. Nuclear Regulatory Commission (NRC) which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environment. The above NRC regulations, requirements and standards include the following:

- a) Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.
- b) Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Radiological Environmental Monitoring Program required by Title 10, 10 CFR 50, Appendix I as presently in effect or hereafter amended.

The Department has the statutory duty to insure that the location and operation of St. Lucie 1 and 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of St. Lucie 1 and 2 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operating of St. Lucie 1 and 2 will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the applicant and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies. Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of St. Lucie 2 are minimized, the Department reserves the right to take

appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

4. Monitoring

The applicant shall comply with the most recent Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the Department of Health determine that additional monitoring is required, it may take appropriate action to require such monitoring by modification of this condition of certification.

5. Interagency Agreement

~~The applicant shall comply with the State of Florida Radiological Emergency Plan dated May 1975 or as subsequently revised, and the Radiological Response Agreement between the Florida Department of Health and the Florida Power and Light Company dated January 16, 1974, as attached and incorporated herein as Appendix B or as may be subsequently revised. The Licensee shall comply with the applicable State of Florida's Department of Health, as well as the Division of Emergency Management procedures and the Radiological Emergency Program, or as subsequently revised.~~

6. Reservation of Legal Rights

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of St. Luce Units 1 and 2. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the applicant's responsibility to comply with all applicable NRC requirements. Applicant's acceptance of these radiological conditions of certification does not, in and of itself, constitute a waiver by Applicant of any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

VII. FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND Moved with Revisions to Section B. Condition IX. Florida Board of Trustees of the Internal Improvement Trust Fund

The licensee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the licensee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

A. Intake Pipe Easement

The Florida Board of Trustees of the Internal Improvement Trust Fund has issued a right of way easement, No. 26211(3177-56) to FPL for a subaqueous pipeline installation on, under and across sovereignty submerged lands in St. Lucie County (See Attachment D – ROW Easement).

B. Works in Navigable Waters

FPL may perform certain works in the navigable waters of the State of Florida as approved by the State of Florida Board of Trustees of the Internal Improvement Trust Fund at the meeting of March 18, 1975. The applicant is authorized to excavate and backfill two trenches 2,450 feet apart in the Atlantic Ocean; two subaqueous intake pipes to be installed in the south trench ending 1,200 feet offshore, buried 20 feet below grade at the shoreline and 13 feet below grade at the offshore end; one subaqueous discharge pipe and Y-type, diffuser to be installed in the north trench ending 1,200 feet offshore, buried 26 feet below grade at the shoreline and exposed at the offshore end; ocean bottom in the immediate vicinity of the discharge to be protected against scour by riprap or other appropriate material. In Sections 9 and 15, Township 36 South, Range 41 East, Hutchinson Island, Atlantic Ocean, St. Lucie County. Permit extension approved for one year subject to the stipulation that periodic hydrographic monitoring shall be performed, and the data provided to Department of ~~Natural Resources~~Environmental Protection for review.

Approval subject to the stipulation that periodic hydrographic monitoring shall be performed, and the data provided to Department of ~~Natural Resources (no Department of Environmental Protection)~~ for review.

C. Environmental Resource/Sovereign Submerged Lands - General Requirements

1. No activities other than those set forth in these conditions are authorized. Any additional activities on state owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter ~~The the~~ "Board") or their properly designated agent.

2. ~~Grantee-Licensee~~ agrees that all title and interest to all lands lying below the historical mean high water he or ordinary ~~high-high~~-water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.

3. ~~Grantee-Licensee~~ agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.

4. ~~Grantee-Licensee~~ agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.

5. GranteeLicensee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.

6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the board to enforce the same in the event of subsequent breach.

7. GranteeLicensee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event GranteeLicensee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the GranteeLicensee. Upon receipt of such notice, the GranteeLicensee shall have thirty (30) days in which to correct the violations. Failure to correct the violations within this period shall result in the automatic revocation of this Consent.

8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the GranteeLicensee. GranteeLicensee agrees to accept service by certified mail of any notice required by Chapter 18-14, ~~Florida Administrative Code~~ F.A.C., and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.

9. GranteeLicensee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent

10. GranteeLicensee agrees any dispute arising from relating to this consent shall be governed by the laws of Florida and initiated only in ~~Leon~~ St. Lucie County, Florida.

11. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, GranteeLicensee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days of the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

12. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

13. Authorizations may be modified, suspended or revoked in accordance with their ~~terms~~ terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

14. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

15. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

16. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

17. Structures or activities shall not create a navigational hazard.

18. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.405, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

19. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under ~~paragraph Rule~~ 18-2 1.004(l)(f), F.A.C., or any other applicable law.

D. Discharge Piping Y-Diffuser

1. The purpose of the project is to repair ocean scouring caused by the ocean discharge Y diffuser pipe. The project is located within the Atlantic Ocean, Class III Waters, approximately 1200 feet east of the FPL St. Lucie Plant.

2. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries of BOT Easement # 26211(3177-56) as described herein and is consistent with the terms and conditions herein (Attachment D). Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

3. FPL is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents on file with the Department (ERP #56-0041384-001). These conditions and authorization to use ~~of~~ sovereign submerged lands are subject to the limits, conditions, and locations of work shown in the drawings on file with the Department. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and conditions as specifically described in the General Consent Conditions and Specific Conditions below.

14. Specific Conditions

a) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by these conditions, the

licensee (or authorized agent) and the contractor shall attend a preconstruction conference with a representative of the Department. FPL shall contact the Department by phone or in writing to schedule the conference: Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600 ~~Compliance and Enforcement Section, 772-398-2806 1801 SE Hillmoor Drive, Ste C 204, Port St Lucie, FL 34952~~

b) FPL shall comply with the standard manatee protection construction conditions ~~Listed-listed~~ in the "Standard Manatee Construction Conditions, ~~June 2001~~2011."

c). At least one person shall be designated as a manatee and marine turtle observer when in-water work is being performed. That person shall have experience in manatee and marine turtle observation, and be equipped with polarized sunglasses to aid in observation. The observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee or marine turtle within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

~~d) FPL shall obtain a public easement for the pipeline and associated diffuser scour protection area no later than October 30, 2004.~~

~~ed~~) The pipe will be shored with Hydrocast units. This involves placing a fabric bag in place under the pipe, held in place with cinder blocks. When the bags are in place, concrete (2000-psi minimum) will be mixed on the barge and pumped through a hose to a diver. The Hydrocast units will be placed beginning from the westernmost part of the void and working toward the end of the pipe. After the Hydrocast units are in place, divers will place ports in selected areas that may still have voids remaining. These ports will be installed by cutting holes in the sheet pile wall and welding plates over the bores. The concrete pump hose will be attached to the ports, and concrete will be pumped into the remaining voids.

~~fe~~) The scoured area will be stabilized using Armorflex mats. These Mats will be rigged and lowered from the deck of the barge. Surface supplied divers will direct the crane operator once the units have entered the water.

~~gf~~) The leading edge of the mat (in front of the discharge pipes) will be pinned by the outermost Hydrocast bag supporting the pipe cantilever. The perimeter of the mats will be anchored using nylon revetment cable loops tied to driven anchors (4 feet minimum) or equivalent rock anchors if 4-foot depth cannot be obtained. Factory edge mat joints shall be woven together using cable pigtails. Non-factory edge joint shall be woven together using cable pigtails and backfilled with tremie concrete.

E. Intake Defouling

The purpose of the project is to remove approximately 1,150 cubic yards

(total) of material from three individual offshore intake pipes that supply cooling water to the St. Lucie power plant facility. Debris and organic material ~~has~~have accumulated within the pipes limiting intake flow to the facility. Spoil material removed from the intake pipes will be deposited in scour areas adjacent to the velocity caps. The 12 linear scour areas adjacent to the velocity caps are approximately 65-feet long by 15-feet wide and between 20-feet to 28-feet deep.

As staff to the Board of Trustees, the Department has reviewed the activity as described above, and has determined that there is no objection for the project being constructed on sovereign submerged lands as long as the work performed is located within the boundaries of BOT Easement # 26211(3177-56) as described herein, and is consistent with the terms and conditions herein. Therefore, consider this to also constitute the authority sought under Section 253 .7, F.S., to perform the activity on the specified sovereign submerged lands.

FPL is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents on file with the Department (ERP #56-0041384-006). These conditions and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work show in the drawings on file with the Department. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and conditions General Conditions and Specific Conditions below.

Specific Conditions:

- a) If the approved drawings conflict with the specific conditions, then the specific conditions shall prevail.
- b) The work authorized by this license shall not be conducted on any property, other than that owned by the licensee, without the prior written approval of the property owner.
- c) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by these conditions, FPL (or authorized agent) and the contractor shall attend a preconstruction conference with a representative of the Department. FPL shall contact the Department by phone or in writing to schedule the conference: Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600~~Compliance and Enforcement Section, 772-398-2806 1801 SE Hillmoor Drive, Ste C 204, Port St Lucie, FL 34952.~~
- d) FPL shall be responsible for ensuring that these conditions are explained to all construction personnel working on the project, and each contractor and subcontractor are provided with a copy of these conditions before construction begins.
- e) Best management practices shall be used at all times during the debris removal activities to minimize turbidity and to ensure that turbidity levels do not exceed the State water quality standard for turbidity in Class III marine waters (29

nephelometric turbidity units (NTUs) above background levels) described in Rule Chapter 62-302, F.A.C.

f) All debris shall be placed in the scour areas adjacent to the velocity caps. If the scour areas are not sufficient to contain all debris material at or below grade, the material shall be removed from state lands and deposited in an appropriate upland site.

g) FPL shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard. Manatee Construction Conditions, 20052011"

VIII. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) *Moved with revisions to Section B. Condition III. South Florida Water Management District*

A. General ~~Water Use for Aquifer Remediation~~

The following conditions are for applicable future dewatering operations

~~FPL is authorized to withdraw groundwater from the Surficial Aquifer System for the purpose of aquifer remediation. Contaminated groundwater is recovered, treated in an approved treatment system (FDEP 568630677), and discharged back to the evaporation/percolation ponds. FPL shall adhere to the following limiting conditions:~~

~~1. Water use classification: Industrial water supply~~

~~2. Source classification: Ground Water from Surficial Aquifer System~~

~~3. Annual allocation shall not exceed 4.38 MG~~

~~Maximum monthly allocation shall not exceed 0.4464 MG.~~

~~4. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The licensee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C~~

~~5. Withdrawal Facilities:~~

~~Ground Water Existing:~~

~~4-6" X 30' X 2 GPM Wells Cased To 10 feet.~~

~~Ground Water Proposed:~~

~~1-8 X 30' X 2 GPM Well Cased To 10 feet~~

~~6. Licensee shall mitigate any adverse impacts to existing legal uses as a consequence of withdrawals permitted herein. When adverse impacts occur, or is imminent, the SFWMD reserves the right to curtail withdrawal rates. Adverse impacts are:~~

~~a) reduction in well water levels that impairs the ability of an~~

~~adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce water by 10% or greater;~~

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

~~c)——saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in a significant reduction in water quality; and~~

~~d)——change in water quality caused by the licensee that results in significant impairment or loss of use of a well or water body.~~

~~7.——Licensee shall mitigate any adverse impact to existing off-site land use as a consequence of withdrawals permitted herein. If increased withdrawals cause an adverse impact on existing land use, the SFWMD reserves the right to curtail future withdrawal rates. Adverse impacts are:~~

~~a)——significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the water body is impaired;~~

~~b)——land collapse or subsidence caused by reduction in water levels; and~~

~~c)——damage to crops and other types of vegetation.~~

~~8.——If adverse impacts occur to natural resources as a result of the Licensee's water withdrawals, the Licensee shall mitigate for such impacts. When adverse impacts occur, or are imminent, SFWMD reserves the right to curtail withdrawal rates. Examples of adverse impacts are:~~

~~a)——reduction in ground water levels that results in significant lateral movement of the fresh water/saltwater interface;~~

~~b)——reduction in water levels that adversely impact the hydroperiod of protected wetland environments;~~

~~c)——significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;~~

~~d)——induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and~~

~~e)——significant damage to the natural system including damage to habitat for rare or endangered species.~~

~~9.——If any of these conditions are violated, the conditions shall be subject to review and possible modification, enforcement action, or revocation.~~

~~10.——Authorized representatives of the SFWMD shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special~~

conditions.

~~11. The licensee is advised that these conditions do not relieve any requirement to obtain all necessary federal, state, local and special district authorizations.~~

~~12. These conditions do not convey any property right to the licensee, nor any rights and privileges other than those specified in the conditions and Chapter 40E-2, Florida Administrative Code.~~

~~13. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist – Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680~~

1. If this Certification is transferred, pursuant to Section A. Condition XXVII. Transfer of Certification, from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.

2. This Certification is based in part 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.

3. 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), and 40E-21 (Water Shortage Plan), F.A.C.

4. 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.

5. 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.

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

7. SFWMD representatives shall be allowed reasonable escorted access to the site, the water withdrawal facilities and any associated 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 in order to determine compliance with these Conditions of 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.

8. The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes under Chapters 373 and 120, F.S., and rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Siting Coordination Office of DEP of the proposed action.

9. 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 these conditions for that portion of project. If the information is not complete or sufficient, the SFWMD shall identify what items remain to be addressed. 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.

10. Within sixty (60) days of the determination by SFWMD staff that any 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-21 (Water Shortage Plan), F.A.C., and these Conditions of Certification. No construction activities shall begin until the SFWMD has notified the Licensee in writing that the activities are in compliance with the applicable SFWMD criteria or failed to notify the Licensee in writing within sixty (60) days of finding the information to be complete and sufficient.

11. The Licensee shall submit 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, calculations and/or any other applicable data. Such requests may be included as part of an appropriate additional information submittal required by this Certification, provided they are clearly identified as a requested amendment or modification to the previously authorized design

B. Water Use Authorizations

The following conditions are only applicable for any future dewatering and consumptive use operations

1. 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.

2. The Licensee shall mitigate interference with existing legal uses that were caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will 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:

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

b. 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.

c. The inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

3. 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 certification. 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:

a. 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.);

b. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

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

4. 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 the conditions of Certification, includes:

a. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/saltwater interface;

b. Reduction in water levels that harm the hydroperiod of wetlands;

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

e. Harmful movement of contaminants in violation of state water quality standards; or

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

5. At any time, if there is an indication that the well casing, valves, or controls associated with the on-site 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, F.A.C.

C. Site Specific Design Authorizations

1. 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 for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-3, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD or NAVD where appropriate, shall be submitted:

a. A detailed site plan which shows the location(s) for each proposed dewatering area;

b. The method(s) used for each dewatering operation;

c. The maximum depth for each dewatering operation;

d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

e. The duration of each dewatering operation;

f. 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);

g. 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;

h. The location of any infiltration trenches and/or recharge barriers;
and

i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

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

3. 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 site 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 alternate well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

IX. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION *Moved with revisions to Section B. Condition IV. Florida Fish and Wildlife Conservation Commission*

A. Scientific Collecting/Institutional Authorizations

FPL shall maintain and comply with a current Scientific Collection/Institutional permit, as applicable for salvaging of non-listed wildlife species at the St. Lucie Plant, issued by the State of Florida Fish and Wildlife Conservation Commission. A copy of the required permit/authorization shall be made available at the St. Lucie plant site. [68A-9.002, 68A-25.002, 68A-27.003-.005] .

B. Special Activity License (SAL)

1. The following conditions authorize designated personnel to temporarily possess marine organisms, included prohibited species, captured within the intake canal of the Florida Power & Light St. Lucie Plant with waiver of seasonal, fishery and area closures, size and bag limits. No marine organisms shall be collected at the St. Lucie Plant without current authorization from FWC.

2. Future authorizations and/or renewals must be obtained every 3 years beginning February 1, 2011. Future authorizations and renewals are contingent upon the fulfillment by FPL of all reporting requirements listed in these conditions.

3. *Purpose:* Collection of marine organisms for scientific research purposes pursuant to 688-8, F A C

4. *Project Title:* Tag, Release and Recapture of Fish in the St Lucie Power Plant.

5. *Law Enforcement Notification:* The holder of a Special Activity License (SAL) must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL. Notification may consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL unless rescinded by the SAL holder.

6. *Authorized Locations:* Collections must occur within the intake canals of the Florida Power & Light Plant in St. Lucie County and organisms are to be released outside of intake canals within the waters of St Lucie County, with the following exceptions:

a) This license does not authorize any activity outside of state waters,

b) This license does not authorize any activity within any state or federal park,

c) This license does not authorize any activity within any Manatee Limited Entry Area (No Entry or Motorboat Prohibited Zones - [location maps and spatial data available at https://myfwc.com/wildlifehabitats/wildlife/manatee/data-and-maps/list](https://myfwc.com/wildlifehabitats/wildlife/manatee/data-and-maps/list)

~~attached to this license).~~

7. **Authorized Personnel:** Those persons listed on the most recent SAL application and currently approved by FWC.

8. **Authorized Activities:** Authorized to temporarily possess marine organisms, included prohibited species, captured within the intake canal of the Florida Power & Light Plant, St. Lucie County with waiver of seasonal, fishery and area closures, size and bag limits. Organisms must be released alive and unharmed outside of intake canals within the waters of St. Lucie County once they have been identified, measured, catalogued, photographed and tagged.

This license does not authorize the possession of federally endangered species unless a NMFS Section 10 Permit has been obtained.

9. **Authorized Gear** (for use within intake canals only):

- a) Up to four (4) lobster traps, 32" x 23" x 16".
- b) Up to four (4) fish traps, 48" x 36" x 24" with openings measuring 6" x 12". See attached document regarding requirements for the construction, use, tending and marking of fish traps when used pursuant to an SAL in state waters.
- c) Up to twenty (20) Witham collectors, measuring 12" x 1" x 12" to collect post-larval (pueruli) lobsters.
- d) Hand held nets.
- e) Cast nets, up to 14' stretched length.
- f) Hook and line.
- g) Hand collection.

10. **Prohibited Activities:**

a) The following are considered Prohibited Species and may not be harvested or possessed unless authorized by a Special Activity License issued specifically for activities involving prohibited species: Goliath Grouper (*Epinephelus itajara*), Nassau Grouper (*Epinephelus striatus*), Sawfish (*Pristis, spp.*), Basking shark (*Cetorhinus maximus*), Whale shark (*Rhincodon typus*), White shark (*Carcharodon carcharias*), Sand Tiger shark (*Odontaspis taurus*), Bigeye Sand Tiger shark (*Odontaspis noronhai*), Spiny Dogfish (*Squalus acanthias*), Spotted Eagle Ray (*Aetobatis narinari*), Manta Ray (*Genus Manta and Mobula*), Sturgeon (*Family Acipenseridae*), Longspine Urchin (*Diadema antillarum*), Bahama Starfish (*Oreaster reticulatus*), Common Sea Fan (*Gorgonia ventalina*), Venus Sea Fan (*Gorgonia flabellum*), Queen Conch (*Strombus gigas*), Fire Corals (*Genus Milliporina*), Hard and Stony Corals (*Order Scleractinia*), and non-aquacultured Live Rock.

b) Special Activity Licenses do not authorize the collection of marine mammals, marine turtles, or any species listed as endangered or threatened by the "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida", maintained and published by the FWC.

c) Marine organisms harvested pursuant to a SAL may not be sold or consumed unless specified otherwise on this license.

11. General Conditions:

a) Authorized personnel conducting activities pursuant to a Special Activity License (SAL) must have the original license or a copy authenticated by the Florida Fish and Wildlife Conservation Commission (FWC) with all attachments specified on the license, in his/her possession while conducting any activities requiring the SAL.

b) Special Activity Licenses may be suspended or revoked if authorized personnel listed on the permit have violated FWC rules or policies, terms or conditions of the license, or have submitted false or inaccurate information on their application.

c) Special Activity Licenses are non-transferable.

12. *Reporting Requirements:* Future SALs and SAL renewals are contingent upon successful fulfillment of reporting requirements. In order to complete the licensing process and fulfill reporting requirements, the following documentation must be submitted to the Commission:

a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific name of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used and the current disposition of the organism. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known and the disposition of the prohibited species. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect. The activity report or statement must be submitted within 30 days of expiration of the license.

b) A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License, and must be submitted upon completion or publication.

c) A SAL holder who is conducting biomedical research activities involving the collection of horseshoe crabs to remove blood and return the animal to the area of collection alive, must file his or her annual report pursuant to 68B-46.002(3)(b)3 e, FAC.

C. Marine Turtle Authorizations

1. Any person contracted by FPL or allowed on St. Lucie property to conduct activities dealing with marine turtles on the FPL St. Lucie Plant property shall acquire and maintain authorization through a Marine Turtle Permit as required by the FWC. Activities requiring such authorization include but are not limited to the following: (1) conducting nesting surveys, (2) conducting stranding/salvage activities, (3) relocating nests for conservation purposes, (4) conducting hand capture, (5) conducting net capture, (6) tagging turtles using external flipper tags, (7) tagging turtles using PIT tags, (8) conducting esophageal lavage, (9) conducting necropsies, (10) collecting blood samples (no more than 5ml/kg for turtles >4kg in association with Authorized Research Project #16 on Marine Turtle Permit #025, (11) conducting satellite tagging/tracking of large green turtles in association with Authorized Research Project #5, (12) collecting scute scrapings. All such required permits shall be available for inspection on plant property.

2. Any FPL employee or contractor must obtain and maintain authorization from FWC prior to conducting public turtle watches and/or maintaining and displaying preserved specimens. Authorized individuals must adhere to the FWC marine turtle permit guidelines developed under a Section 6 Cooperative Agreement between FWC and the U S Fish and Wildlife Service. Authorizations must be obtained annually.

D. Migratory Bird Nest Authorizations

FPL shall maintain and comply with a current Migratory Bird Nest permit as applicable for removal and replacement of inactive (i.e. containing no eggs or flightless young) nests of ospreys (*Pandion haliaetus*) and other migratory birds, pursuant to the Florida Fish and Wildlife Conservation Commission Osprey Nest Removal Policies, where necessary in the process of routine facility maintenance in Florida. A copy of the required permit/authorization shall be made available at the St. Lucie Plant site.

[Rules 68A-9.002 and 68A-27.005, F.A.C.]

E. ~~Wildlife Surveys~~ General Listed Species Survey New

~~1. Less than 6 months prior to any land clearing activities on the site, the Licensee shall perform wildlife surveys to determine if state-listed fish and wildlife species are present, or impacted by the clearing of the affected area.~~

~~2. The Licensee shall complete species-specific nesting surveys, within the affected area, during the nesting season immediately preceding any clearing or construction activities for each potentially affected species.~~

~~3. If either of the above activities produce evidence that a listed species is present, the Licensee must report the findings to the FWC. If impacts to these species cannot be avoided, then the Licensee must contact the FWC before taking any action that might result in an impact to those species.~~

~~4. The state's lists of protected wildlife species are found in Chapter 68A-27, F.A.C. Available survey protocols may be downloaded from the Fish and Wildlife Research Institute webpage (<http://research.myfwc.com/publications/>) or are available by request.~~

~~1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Florida Power & Light Company (FPL) St. Lucie Power Plant. Guidance related to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>, or in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/>.~~

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

~~[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 and 403.507, 403.5113(2), Florida Statutes (F.S.); and Rule 68A-27, Florida Administrative Code (F.A.C.)]~~

F. Specific Listed Species Surveys New

~~1. Before land clearing and construction activities within the FPL St. Lucie Power Plant, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or active season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance or mitigation measures after consultation with the FWC. The Licensee will submit avoidance or mitigation measures to the FWC for post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions of Certification may be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.~~

~~2. These surveys shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies and by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.~~

~~3. These surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, FWC staff prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.~~

~~4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the FPL St. Lucie Power Plant using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan¹ (FWC 2019) or the Natural Communities~~

Guide² (Florida Natural Areas Inventory 2010).

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, F.S.; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

1. Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

2. Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

G. Listed Species Locations New

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in H below, within the FPL St. Lucie Power Plant, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of any construction within the FPL St. Lucie Power Plant. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the Florida Department of Environmental Protection Siting Coordination Office, the FWC, and the USFWS.

3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. These steps shall be memorialized in a Species Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, 403.507, and 403.5113(2), F.S.; and Rule 68A-27, F.A.C.]

H. Gopher Tortoise New

1. The Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15 percent of the potential gopher tortoise habitat to be impacted is required. Immediately prior to capturing tortoises for relocation, a 100 percent survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in Paragraph H.3., below. All surveys completed by authorized agents or other licensees are subject to field verification by FWC.

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-Certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

5. To the maximum extent practicable or feasible, all staging, and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, 403.507, 403.526, and 403.5113, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

X. FLORIDA DEPARTMENT OF TRANSPORTATION *Moved with revisions to Section B. Condition II. Florida Department of Transportation*

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Rule Chapter 14-96, State Highway System Connection Permits, and 14-97 Access Management Classification System and Standards, F.A.C.

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

C. 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, F.A.C.; Florida Department of Transportation's (FDOT) 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 Construction; and pertinent sections of the FDOT's Project Development and Environmental Manual. A1A has been ~~identified-designated~~ as a ~~Florida Intrastate Highway System (FIHS) and~~ Strategic Intermodal System's (SIS) ~~facilities~~facility. The placement of any transmission line or pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing a transmission line or pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

D. Standards

The manual on Uniform Traffic Control Devices; FDOT's Design

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

E. 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, F.A.C., including the attainment of any permit required thereby.

F. 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 DFOT 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 FDOT jurisdiction, application will be made by submitting FDOT Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

G. 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 service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C., in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the ~~FIHS, the~~ SIS, or funded by section 229.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

H. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C.; FDOT's Design

Standards for Design, Construction, Maintenance and Utility Operation on the State highway System; FDOT's Standard Specifications for Road and Bridge Construction; and FDOT's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

1. Placing a bulletin board on site for car-pooling advertisements.
2. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

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

XI. HISTORY *Moved to History*

Limited Certification Order (site preparation and construction) issued 12/17/75; signed by Governor Askew

Full Certification Order issued 05/18/76; signed by Governor Askew

Modified 4/7/80; signed by Governor Graham

Modified 12/7/81; signed by Secretary Tschinkel

Modified 1/27/82; signed by Secretary Tschinkel

Modified 2/4/82 - correction of 1/27/82 Modification; signed by Secretary Tschinkel

Modified 4/29/86; signed by Secretary Tschinkel

Modified 9/28/87; signed by Secretary Twachtman

Modified 4/6/94; signed by Secretary Wetherell

Modified 4/24/96; signed by Secretary Wetherell

Modified 04/14/06; signed by Siting Administrator Owen

Certification Order issued 09/17/08, signed by Secretary Sole

Modified XXX; signed by Deputy Director Mulkey