

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
West County Energy Center
Units 1-3**

PA05-47E

**Modified
XX/XX/XX**

SECTION A: GENERAL CONDITIONS

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ATTACHMENTS

Attachment A Certified Site/Areas/Facilities Delineation Map(s)
Attachment B Surface Water Management System Plan(s)
Attachment C Mitigation Plan(s)
Attachment D Discharge Monitoring Reports for Domestic Wastewater
Treatment Facility (FLA681385)

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I. **SCOPE Replaces Condition I. A. Certification Control**

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Florida Power & Light Company (FPL) as owner/operator and Licensee of West County Energy Center. Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate a nominal 3750 MW facility consisting of three 250 MW natural gas-fired combustion turbines each unit with evaporative inlet cooling systems and ultra-low sulfur light oil as back-up fuel, one 500 MW steam turbine, and associated facilities as described in the site certification application (SCA). The electric generating units are located on approximately 170 acres of the approximately 220-acre site at 20505 State Road 80, Loxahatchee in Palm Beach County, Florida. The UTM coordinates are: Zone 17, 562.19 kilometers (km) East; 2,953.04 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing Certified Facilities.

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

- Units 1-3: three combined cycle combustion turbine electrical generator sets (250 MW each)
- A steam turbine-electrical generator (500 MW)
- Three Mechanical Draft Cooling Tower
- Emergency Diesel Generators
- Control/administration buildings
- Maintenance building
- Switchyard with lift station
- Stormwater retention ponds
- Above ground storage tanks
- Water tanks

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

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

E. The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation Map in Attachment A. The notification shall be accompanied by

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an updated survey map or legal description and aerial photograph delineating the new boundaries of the site for review by the Department. Such changes may constitute a modification and may require additional land use and zoning reviews by the local government. If a modification is required, it will be processed pursuant to Section 403.516, F.S.

F. If both certified and uncertified facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format acceptable documentation identifying the certified and non-certified facilities within the site such as an aerial photograph. Certified facilities identified within the site shall include both the certified electrical power plant's generating and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be labelled as the "Certified Facilities Identification Map" and attached hereto as part of Attachment A.

G. Within 120 days after completion of construction of any certified off-site non-linear associated facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the site boundaries for each off-site non-linear associated facility. The survey map or other documents shall be labelled as the "Delineation of the Boundaries of the Certified Off-Site Non-Linear Facilities" and attached hereto as part of Attachment A.

H. Within 180 days after completion of construction of any new off-site linear associated facilities, as defined in Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph or map at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map signed by a professional land surveyor, delineating the boundaries of the certified site for the linear associated facilities, following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S. These documents shall be labelled as the "Delineation of Certified Off-Site Linear Facilities" and attached as part of Attachment A.

I. Following any post-certification approvals that require a change to the boundaries of the certified facilities depicted in the Delineation of Certified Off-Site Linear Facilities in Attachment A, the Licensee shall submit an updated aerial photograph, map, survey map, or legal description.

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

II. APPLICABLE DEPARTMENT RULES ~~Replaces Condition II. Applicable Rules~~

The construction, operation, and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural portions of the Florida Statutes and Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following Department regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit, or as otherwise provided under Chapter 403:

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Florida Administrative Code:

- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-6 (Standards for Onsite Sewage Treatment and Disposal Systems)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulation of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)
- 62-160 (Quality Assurance)
- 62-204 (Air Pollution Control-General Provisions)
- 62-210 (Stationary Sources-General Requirements)
- 62-212 (Stationary Sources-Preconstruction Review)
- 62-213 (Operation Permits for Major Sources of Air Pollution)
- 62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
- 62-256 (Open Burning)
- 62-296 (Stationary Sources-Emission Standards)
- 62-297 (Stationary Sources-Emission Monitoring)
- 62-302 (Surface Water Quality Standards)
- 62-303 (Identification of Impaired Surface Waters)
- 62-304 (Total Maximum Daily Loads)
- 62-330 (Environmental Resource Permitting)
- 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
- 62-342 (Mitigation Banks)
- 62-345 (Uniform Mitigation Assessment Method)
- 62-520 (Groundwater Classes, Standards and Exemptions)
- 62-528 (Underground Injection Control)
- 62-531 (Water Well Contractor Licensing Requirements)
- 62-532 (Water Well Permitting and Construction Requirements)
- 62-550 (Drinking Water Standards, Monitoring and Reporting)
- 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
- 62-560 (Requirements for Public Water Systems That Are Out of Compliance)
- 62-600 (Domestic Wastewater Facilities)
- 62-604 (Collection Systems and Transmission Facilities)
- 62-610 (Reuse of Reclaimed Water and Land Application)
- 62-620 (Wastewater Facility and Activities Permitting)
- 62-621 (Generic Permits)
- 62-650 (Water Quality Based Effluent Limitations)
- 62-660 (Industrial Wastewater Facilities)
- 62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
- 62-701 (Solid Waste Management Facilities)
- 62-709 (Criteria for Organics Processing and Recycling Facilities)

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62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES **Replaces Condition VII. Compliance, paragraphs A. and B.**

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

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

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

IV. DEFINITIONS **Replaces Condition III. Definitions**

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

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

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

C. “Certified facility” or “certified facilities” means the certified electrical power generation facilities and all on- or off-site associated structures and facilities identified/described in the Application, in the final order of certification, or in a post-certification amendment or modification.

D. “DEO” means the Florida Department of Economic Opportunity.

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- E. “DEM” shall mean the Florida Division of Emergency Management.
- F. “DEP” or “Department” means the Florida Department of Environmental Protection.
- G. “DHR” means the Florida Department of State, Division of Historical Resources.
- H. “DOT” means the Florida Department of Transportation.
- I. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
- J. “Feasible” or “practicable” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- K. “FWC” means the Florida Fish and Wildlife Conservation Commission.
- L. “Licensee” means an applicant that has obtained a certification order for the subject project.
- M. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.
- N. “Right-of-Way” or “ROW” is defined in Section 403.503(27), F.S.
- O. “SCA” means the Site Certification Application (i.e., the Application)
- P. “SCO” means the Department’s Siting Coordination Office.
- Q. “Site” as defined in Section 403.503(28).
- R. “State Water Quality Standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapters 62-302, and 62-520, F.A.C.
- S. “Surface Water Management System” or “System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms “surface water management system” or “system” include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.
- T. “SED” shall mean the DEP southeast district office.
- U. “SFWMD” means the South Florida Water Management District.
- V. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS
Replaced Conditions XXVIII. Air and XXIX. Industrial and Domestic Wastewater A and C.

Subject to the conditions set forth herein, this certification shall constitute the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program. This certification is not a waiver of any other Department approval

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that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

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

VI. DESIGN AND PERFORMANCE CRITERIA Partially Replaces Condition XXVII. Construction.

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

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

VII. NOTIFICATION Replaces Conditions VII. Compliance, paragraph C. and XXVII. Construction

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the appropriate DEP District and/or Branch Office with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.
3. All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

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

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

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

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

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

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[Section 403.077, F.S.]

E. Within 60 days after certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department's Office of General Counsel and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor.

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION New

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(4), (7), (8) or (10), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

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

IX. CONSTRUCTION PRACTICES Replaces Condition XXVII. Construction

A. Local Building Codes

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any Certified Facility. The Licensee is not required to obtain building permits for Certified Facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as, office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes.

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

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

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

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C. Vegetation

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

[Chapter 14-46, F.A.C.]

D. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

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

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

F. Existing Wells

Any existing wells to be impacted in the path of construction of Certified Facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

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

G. Abandonment of Existing Septic Tanks

Any existing septic tanks that will no longer be used shall be abandoned in accordance with Rule 62-6.011, F.A.C., unless these Conditions provide otherwise.

[Chapter 62-6, F.A.C.]

H. Sanitary Wastes

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

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

X. RIGHT OF ENTRY Replaces Condition VIII. Right of Entry

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the Certified Facility and any authorized off-site mitigation/compensation or otherwise associated areas:

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1. At reasonable times, to enter upon the Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within a reasonable time frame as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

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

XI. DISPUTE RESOLUTION Replaces Condition XXIV. Dispute Resolution

A. General

If a situation arises in which mutual agreement cannot be reached between the Department and the Licensee, and/or, an agency with substantive regulatory jurisdiction over a matter, the Department may act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved informally in this manner, Licensee may request one or more meetings in which both Licensee and the agency with substantive regulatory jurisdiction over the matter can participate and attempt to resolve the issue informally. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for processing the dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the Conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the Conditions will not be achieved.

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

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XII. SEVERABILITY Replaces Condition XIII. Severability

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

XIII. ENFORCEMENT Replaces Condition IX. Enforcement

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

B. All records, notes, monitoring data, and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIV. REVOCATION OR SUSPENSION Replaces Condition X. Revocation or Suspension

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Sections 403.512, F.S.; Rule 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE Partially replaces Conditions XI. Civil and Criminal Liability and XVII. Safety

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of

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personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY Partially replaces Condition XI. Civil and Criminal Liability

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S., this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

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

XVII. USE OF STATE LANDS Replaces Condition XII. Property Rights

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

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these Conditions. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit) and *Authorization to Use State-Owned Submerged Lands* to the Department prior to construction. If any portion of the certified facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

D. The Licensee is hereby advised that Florida law states: “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

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Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

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

[Chapters 253 and 258, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and Rules 62-330.060(1) and 62-4.160(4), F.A.C.]

XVIII. PROCEDURAL RIGHTS Replaces Condition XIV. Procedural Rights

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES New

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

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Rd.
Tallahassee, FL 32399-3000
SCO@dep.state.fl.us

Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Road
MSC 7210-1
West Palm Beach, FL 33406

Florida Fish & Wildlife Conservation Commission
Conservation Planning Services
620 South Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
FWCConservationPlanningServices@myfwc.com

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

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 S. Calhoun St.
Tallahassee, FL 32399-0800

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, FL 33406
epermits@sfwmd.gov

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

Palm Beach County
Office of General Counsel
301 N Olive Avenue, Suite 601
West Palm Beach, FL 33401

[Section 403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION New

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

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

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS Replaces Condition XXVI. Post-Certification Submittals

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies'

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monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

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

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

C. Completeness

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

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

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

D. Interagency Meetings

If a situation arises in which mutual agreement between either the department and the licensee, or, the licensee and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the department may act as a facilitator in an attempt to resolve the issue.

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

E. Determination of Compliance

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

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constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

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

XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY **Replaces Condition XXVI. Post-Certification Submittals, paragraph C**

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the SCO a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

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

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

XXIII. POST-CERTIFICATION AMENDMENTS **New**

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30

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days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the SCA requires a modification to the Conditions.

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

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

[Section 403.5113, F.S.]

XXIV. MODIFICATION OF CERTIFICATION Moved with revisions from Condition XV. Modification of Conditions of Certification

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

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately issued DEP permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

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

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

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F. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

G. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A (Maps) may be considered a modification, and, must be accompanied by a map or aerial photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, G, H, or I, as appropriate.

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

XXV. COASTAL ZONE CONSISTENCY New

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

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

XXVI. WATER QUALITY CERTIFICATION New

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

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

XXVII. TRANSFER OF CERTIFICATION Replaces Condition XVI. Transfer of Certification

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

B. In the event of the dissolution of the Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate, and

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maintain the Certified Facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for transfer of certification, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

XXVIII. LABORATORIES AND QUALITY ASSURANCE Replaces Condition XXV. Laboratories and Quality Assurance

Chemical, physical, biological, microbiological, and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

XXIX. ENVIRONMENTAL RESOURCES Replaces Condition XXVII. Construction

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or new Associated facilities the Licensee shall provide to the DEP Southeast District for review, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Lands* (ERP), DEP Form 62-330.060(1), F.A.C., or other applicable ERP authorization form. A copy of the submittal shall also be provided to the SCO.

b. This form may: 1) be submitted concurrently with a SCA; 2) be submitted as part of an amendment request or a petition for modification; or 3) be submitted as a post-certification submittal following approval of a Project through certification, modification, or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapter 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.511, F.S., a separate ERP is not required for certified facilities, and therefore, a separate ERP will not be issued.

c. Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with the respective SCA, amendment, or modification, in compliance with the applicable PPSA procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A. General Conditions, Condition XXI., Procedures for Post-Certification Submittals. Post-certification submittal information may be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

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

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

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

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

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

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

[Sections 373.421, 403.504, F.S.]

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

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

B. Surface Water Management Systems

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

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

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Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

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

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

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

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

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

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

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

10. The Southeast DEP District must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in off-site discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event.

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

C. Wetland and Other Surface Water Impacts

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

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

[Sections 373.413, 373.414, 373.415, 403.511, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340, 62-342, and 62-345, F.A.C.]

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XXX. THIRD PARTY IMPACTS *New*

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the certified site.

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

XXXI. FACILITY OPERATION *Replaces Conditions IV. Facility Operation, Condition VII. Compliance, paragraph D., and XVII. Safety*

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

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

XXXII. RECORDS MAINTAINED AT THE FACILITY *Replaces Condition V. Records Maintained at the Facility*

- A. These Conditions or a copy thereof shall be kept at the site.
- B. The Licensee shall hold at the site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials shall be retained at least 3 years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- C. Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates analyses were performed;
 - 4. the person responsible for performing the analyses;
 - 5. the analytical techniques or methods used; and,
 - 6. the results of such analyses.

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

XXXIII. WATER DISCHARGES *Partially replaces Conditions VI. Change in Discharges or Emissions and XIX. Toxic, Deleterious or Hazardous Materials*

- A. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or

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other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State, wastes in concentrations, which, alone or in combinations with other substances or components of discharges (whether thermal or non-thermal), are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

B. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption, or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of Rules 62-4.242(1)(a), (1)(b), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in Rules 62-4.242(2) and (3), F.A.C.

C. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption, or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, 62-620, and 62-621, F.A.C.]

XXXIV. SOLID AND HAZARDOUS WASTE **Partially replaces Condition XIX. Toxic, Deleterious or Hazardous Materials; Replaces Condition XXXI. Solid and Hazardous Waste**

A. Solid Waste

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

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

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

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Very Small Quantity Generator (VSQG). VSQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-710, F.A.C., for any used oil and used oil filters generated within the certified facility.

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

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

[Chapters 62-710, 62-730, 62-737, and 62-740, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Watch Office, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the public by submitting a Public Notice of Pollution, <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

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

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

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

D. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapters 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapters 376 or 403, F.S., or rules promulgated pursuant to Chapters 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

XXXV. STORAGE TANK SYSTEMS New

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

A. Incident Notification Requirements.

Notification of any condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component shall be made to the County

SECTION A: GENERAL CONDITIONS

in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), within 72 hours of discovery or before the close of the County's next business day.

B. Discharge Reporting Requirements

Notification of the discovery of a discharge of a regulated substance shall be made to the county in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF) within 24 hours of the discovery or before the close of the County's next business day, unless the discovery is a non-petroleum, de minimis discharge referenced in Rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in Rule 62-780.580(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of Chapter 62-780, F.A.C.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at the certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensee is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Domestic Wastewater System Replaces Condition XXIX. Industrial and Domestic Wastewater, paragraph B.*

1. Description of Wastewater Treatment Plant (permit number FLA681385 for tracking purposes only)

The wastewater treatment system collects the plant's domestic wastewater during normal plant operation, clarifies the wastewater, and transfers it to the Unit 1 Wastewater Collection Sump for non-USDW deep well injection. The wastewater treatment system consists of two main components, the package wastewater treatment unit and the lift station. All domestic wastewater from the West County Energy Center Administration and Control Building is routed to a nearby lift station where the wastewater is pumped to the wastewater treatment unit. The fiberglass lift station includes two submersible cutter pumps for influent transfer to the wastewater treatment unit. The wastewater treatment unit is an existing 0.005 million gallons per day (MGD), annual average daily flow (AADF), Type III, extended aeration package wastewater treatment plant, which includes a series of treatment compartments for equalization, biological treatment, clarification, tablet chlorination, and sludge digestion. The treatment compartments consist of:

- one coarse bar screen,
- one 2,500-gallon equalization tank,
- one 5,035-gallon aeration tank,
- one 726-gallon clarifier,
- one 150-gallon chlorine contact tank, and
- one 1,548-gallon sludge holding tank.

2. Disposal

Underground Injection U-001: An existing 0.005 MGD annual average daily flow permitted capacity treated domestic wastewater discharging to an underground injection well system consisting of 1 Class I underground injection wells permitted under Department permit number(s) 0247895-014-UC discharging to Class G-IV ground water. Underground Injection Well System U-001 is located approximately at latitude 26°41' 20" N, longitude 80°22' 31" W.

3. Treated domestic wastewater Effluent Limitations and Monitoring Requirements

a. Underground Injection Control Systems

(1) The Licensee is authorized to direct treated domestic wastewater to underground injection well U-001 located approximately at latitude 26°41'20", longitude 80°22'31". Such treated domestic wastewater shall be limited and monitored by the Licensee as specified below

SECTION B: SPECIFIC CONDITIONS

			Wastewater Water Condition		Monitoring Requirements		
Parameter	Units	Max./Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Flow	MGD	Max Max	0.005 Report	Annual Average Monthly Average	5 Days/Week	Recording Flow Meter with Totalizer	FLW-01
BOD, Carbonaceous 5 day, 20C	mg/L	Max Max Max Max	20.0 30.0 45.0 60.0	Annual Average Monthly Average Weekly Average Single Sample	Monthly	Grab	EFF-01
Solids, Total Suspended	mg/L	Max Max Max Max	20.0 30.0 45.0 60.0	Annual Average Monthly Average Weekly Average Single Sample	Monthly	Grab	EFF-01

(2) Domestic treated wastewater samples shall be taken at the monitoring site locations as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-01	Effluent sample point after chlorine contact chamber.
FLW-01	Effluent flow meter at the outfall of chlorine contact chamber

[Rules 62-610.320(6) and 62-610.568(7), F.A.C.]

b. Other Limitations and Monitoring and Reporting Requirements

(1) A recording flow meter with totalizer shall be utilized to measure flow and calibrated at least once every 12 months.

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

(2) The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this license shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-600, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (November 10, 2020)" is available at <https://floridadep.gov/dear/quality-assurance/content/quality-assurance-resources>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by

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the Department for this license. Any method included in the list may be used for reporting as long as it meets the following requirements.

(3) The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list.

(4) The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and,

(5) If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

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

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

[Rules 62-4.246 and 62-160, F.A.C.]

(8) The licensee shall provide safe access points for obtaining representative samples which are required.

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

c. Monitoring requirements under this license are effective on the first day of the second month following the effective date of the license. The licensee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the Report type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to these conditions (See Attachment D). Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates shown below in the following table including periods of no discharge. Discharge Monitoring Reports (DMRs) are attached and labeled as Attachment D.

REPORT Type on DMR	Monitoring Period	Submit by
Monthly	first day of month - last day of month	28 th day of following month

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REPORT Type on DMR	Monitoring Period	Submit by
Once Every Two Months	January 1 - February 28/29 March 1 - April 30 May 1 - June 30 July 1 - August 31 September 1 - October 31 November 1 - December 31	March 28 May 28 July 28 September 28 November 28 January 28
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 31	July 28 January 28
Annual	January 1 - December 31	January 28

d. The licensee may submit either paper or electronic DMR forms. If submitting electronic DMR forms, the permittee shall use the electronic DMR system approved by the Department (EzDMR) and shall electronically submit the completed DMR forms using the DEP Business Portal at <https://www.fldepportal.com/go/>. Reports shall be submitted to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. If submitting paper DMR forms, the licensee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department and shall mail the completed DMR forms to the Department's Southeast District Office by the twenty-eighth (28th) of the month following the month of operation.

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

e. Unless specified otherwise, all reports and other information required by this licensee, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southeast District Office at the address specified below:

Florida Department of Environmental Protection
Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, Florida 33406-3007
Phone Number - (561) 681-6600

All e-mails (electronic communication) shall be followed by original copies.

[Rule 62-620.305, F.A.C.]

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f. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C.

[Rule 62-620.305, F.A.C.]

4. Biosolids Management Requirements

a. Basic Requirements

(1) Biosolids generated by this facility may be transferred to East Central Regional Water Reclamation Facility or disposed of in a Class I solid waste landfill. Transferring biosolids to an alternative biosolids treatment facility does not require a modification or an amendment. However, use of an alternative biosolids treatment facility requires submittal of a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the biosolids.

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

(2) The licensee shall monitor and keep records of the quantities of biosolids generated, received from source facilities, treated, distributed and marketed, land applied, used as a biofuel or for bioenergy, transferred to another facility, or landfilled. These records shall be kept for a minimum of five years.

[Rule 62-640.650(4)(a), F.A.C.]

(3) The treatment, management, transportation, use, land application, or disposal of biosolids shall not cause a violation of the odor prohibition in subsection 62-296.320(2), F.A.C.

[Rule 62-640.400(6), F.A.C.]

(4) Storage of biosolids or other solids at this facility shall be in accordance with the Facility Biosolids Storage Plan.

[Rule 62-640.300(4), F.A.C.]

(5) Biosolids shall not be spilled from or tracked off the treatment facility site by the hauling vehicle.

[Rule 62-640.400(9), F.A.C.]

b. Disposal

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

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

c. Transfer

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

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

(2) The licensee shall keep hauling records to track the transport of biosolids between the facilities. The hauling records shall contain the following information:

Source Facility	Biosolids Treatment Facility or Treatment Facility
1. Date and time shipped	1. Date and time received
2. Amount of biosolids shipped	2. Amount of biosolids received
3. Degree of treatment (if applicable)	3. Name and ID number of source facility
4. Name and ID Number of treatment facility	4. Signature of hauler
5. Signature of responsible party at source facility	5. Signature of responsible party at treatment facility
6. Signature of hauler and name of hauling firm	

(3) A copy of the source facility hauling records for each shipment shall be provided upon delivery of the biosolids to the biosolids treatment facility or treatment facility. The treatment facility permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of biosolids leaving the source facility and arriving at the biosolids treatment facility or treatment facility.

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

d. Receipt

Prior to the licensee accepting biosolids from other facilities, a revision to these conditions will be required pursuant to rule 62-640.880(2)(d), F.A.C. Such revision will be reviewed by the Department and processed pursuant to sections 403.5113 or 403.516, F.S. and Section A. Conditions XXIII. Post-Certification Amendments or XXIV. Modification of Certification.

5. Operation and Maintenance Requirements

a. Staffing Requirements

(1) During the period of operation authorized, the wastewater facilities shall be operated under the supervision of one or more operators certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

i. A Class D or higher operator for 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator must be a Class D operator, or higher.

ii. An operator meeting the lead/chief operator class for the treatment plant shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of the plant shall be performed by the permittee or his representative or agent 5 days per week.

[Rule 62-699.311(1) and (2), F.A.C.]

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b. Operation and Maintenance Performance Report

Every ten years from date of issuance of the Final Order for Modification E, a detailed operation and maintenance performance report, or the equivalent information required by Rule 62-600.735, F.A.C., shall be prepared and kept on file with the facility records and available during facility inspections.

c. Recordkeeping Requirements

The licensee shall maintain the following records and make them available for inspection on the site of the certified facility.

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

(2) Copies of all reports required for at least three years from the date the report was prepared;

(3) Records of all data, including reports and documents, for at least three years from the date of issuance of the Final Order of Modification H;

(4) Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;

(5) A copy of all documentation related to the wastewater facility;

(6) Copies of the current operation and maintenance manuals for the wastewater facility as required by Chapters 62-600 and 62-604, F.A.C.;

(7) A copy of any required record drawings for the wastewater facility;

(8) Copies of the licenses of the current certified operators;

(9) Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and license number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities, including any preventive maintenance or repairs made or requested; results of tests performed and samples taken, unless documented on a laboratory sheet; and notation of any notification or reporting completed in accordance with Rule 62-602.650(3), F.A.C. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed; and

(10) Records of biosolids quantities, treatment, monitoring, and hauling for at least five years.

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[Rules 62-620.350, 62-602.650, 62-640.650(4)]

6. Industrial Pretreatment Program Requirements

This facility is not required to have a pretreatment program at this time.

[Rule 62-625.500, F.A.C.]

7. Other Specific Conditions

a. In the event that the wastewater facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety (including inactive or abandoned facilities), or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by paragraphs 62-600.400(2)(a) and 62-604.400(2)(c), F.A.C., corrective action (which may include additional maintenance or modifications of the certified facilities) shall be taken by the licensee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in subsection 62-296.320(2), F.A.C.

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

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

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

c. The licensee shall provide verbal notice to the Department's Southeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, wastewater residuals (sludges), or reclaimed water. The licensee shall immediately implement measures appropriate to control the entry of contaminants and shall detail these measures to the Department's Southeast District Office in a written report within 7 days of the sinkhole discovery.

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

d. The licensee shall provide notice to the Department of the following:

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

(2) Any substantial change in the volume or character of pollutants being introduced into that facility by a source which has been identified in the and known to be discharging at the time the conditions were modified.

Notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or treated domestic wastewater to be discharged from the facility. If pretreatment becomes necessary, these conditions may be modified to require the licensee to develop and implement a local pretreatment program in accordance with the requirements of Chapter 62-625, F.A.C.

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

8. Abandonment

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

[Chapters 62-4, 62-160, 62-550, 62-600, 62-604, 62-620, 62-640, 62-6-999, 62-701, F.A.C.]

B. Potable Water ~~Replaces Condition XXX. Potable Water~~

The Licensee is hereby authorized to operate potable water facilities as shown or described in the West County Energy Center Site Certification Application and other documents on file with the Department and made a part hereof.

1. The potable water supply system shall be designed and operated in conformance with Chapters 62-550, 62-555, 62-560, and 62-699 F.A.C., and Lead & Copper Rule 40 CFR, Subpart I (<http://www.dep.state.fl.us/water/rulesprog.htm#dw>). Information as required in Chapters 62-550, 62-555, 62-560, and 62-699, F.A.C., and Lead & Copper Rule 40 CFR, Subpart I shall be submitted to the Department prior to construction and operation of any potable water system. The operation of the potable water supply system shall be certified in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to the Department's Southeast District Office, Potable Water Section and the Siting Office.

2. All potable well(s) shall be constructed according to public well standards found in 62-532, F.A.C., as well as meet the required setbacks as found in 62-555.312, F.A.C.

3. Non-transient, non-community potable water facilities shall comply with any applicable provisions of Chapter 62-555, F.A.C. and the Palm Beach County Environmental Control Rule II.

[Chapters 62-532, 62-550, 62-555, 62-560, 62-602, and 62-699, F.A.C.]

II. DEPARTMENT OF TRANSPORTATION ~~Moved from Condition XXXIII. Transportation~~

A. Traffic control shall be maintained during plant construction and operations in compliance with the standards in the Manual on Uniform Traffic Control Devices, and Florida Department of Transportation Standard Plan for Road and Bridge Construction, whichever is more stringent.

B. Operation of overweight or overdimensional vehicles by the applicant on State transportation facilities during the construction and operation of the West County Energy Center shall be subject to safety and permitting requirements of Chapter 316, F.S., and Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Chapter 14-26, F.A.C.

[Chapter 316, F.S. and Chapter 14-26, F.A.C.]

C. Any new access to the State Highway System shall follow the provisions of, State Highway System Connection Permits, Administrative Process, Chapter 14-96, F.A.C.

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and Access Control Classification System and Access Management Standards, Chapter 14-97, F.A.C.

[Chapters 14-96 and 14-97, F.A.C.]

D. Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation's 2017 Utility Accommodation Manual (Rule 14-46.001, F.A.C.) and Utilities Installation or Adjustment, Chapter 14-46, F.A.C. and Section 337.403, F.S.

[Section 337.403, F.S. and Chapter 14-46, F.A.C.]

E. Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Drainage Connections, Chapter 14-86, F.A.C.

[Chapter 14-46, F.A.C.]

F. Any proposed construction or the alteration of an existing structure in the application that exceeds the criteria detailed in 14 CFR Part 77 Subpart B will be subject to an aeronautical study by the Federal Aviation Administration (FAA). The FAA has provided a Notice Criteria Tool at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm> to simplify compliance with the federal regulation in determining when an aeronautical study is required. An airspace determination is required for all structures that are determined to exceed by the Notice Criteria Tool. Applications for an aeronautical study are made utilizing the electronic FAA Form 7460-1 available at the FAA website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. If the FAA aeronautical study determines that the construction or alteration of a structure "Exceeds But Is Okay" (EBO) or is "Determined Not To Be A Hazard" (DNH), the construction or alteration is subject to the requirements of Chapter 333, F.S. and Chapter 14-60, F.A.C. If political subdivisions have adopted airport protection zoning regulations, the construction or alteration of a structure requires a permit from the political subdivision pursuant to Chapter 333.025(4), F.S. If not, and the construction or alteration of a structure is within a 10-nautical mile radius of the airport reference point of a public-use or military airport, the construction or alteration requires a permit from FDOT pursuant to Chapter 333.025(1), F.S. Approval from FDOT through the post-certification submittal process, may be obtained using FDOT Form 725-040-11 and following the instructions in Chapter 14-60.009, F.A.C.

[Chapter 333, F.S. and Rule 14-60.009, F.A.C.]

G. The Licensee shall encourage transportation demand management by:

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

H. The Licensee shall be encouraged to install a Soil Tracking Prevention Device in accordance with the Florida Department of Transportation's Roadway and Traffic Design Standards. Index 106 or any other approved suitable alternative technique to minimize offsite tracking of sediment.

SECTION B: SPECIFIC CONDITIONS

I. If the Licensee uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the Licensee shall ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Chapter 14-26, F.A.C.

J. All infrastructure crossings of State Road 80 shall be subject to the requirements of the Florida Department of Transportation's 2017 Utility Accommodation Manual (Rule 14-46.001, F.A.C.) and Chapter 14-46, F.A.C. The placement of the waterline shall take into consideration the possible widening of State Road 80. If future widening of State Road 80 occurs, the cost of relocating the waterline shall be borne by the Licensee unless the terms and conditions of Section 337.403, F.S., are met. State Road 80 has been identified as a Strategic Intermodal System (SIS) facility. The placement of any new transmission lines or pipelines for Unit 3 should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission lines or pipelines will be borne by the applicant to the extent required by Section 337.403, F.S., and Chapter 14-46, F.A.C.

[Chapter 316 and Section 337.403, F.S., and Chapters 14-26 and 14-46 F.A.C.]

K. All traffic impacts to State roadway facilities on the SIS, or funded by Section 339.2819, F.S., will be subject to the requirements of the level of service standards adopted by local governments, in accordance with Section 163.3180(5), F.S. All traffic impacts resulting from Unit 3 to State roadway facilities not on the SIS, or funded by Section 339.2819, F.S., will be subject to adequate level of service standards established by the local governments.

[Section 163.3180, F.S.]

III. **SOUTH FLORIDA WATER MANAGEMENT DISTRICT Moved from Condition XXII. Water Management with Revisions**

A. *Administrative*

1. General

a. Minimum Standards

This Certification is based on the Licensee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Licensee shall be considered the minimum standards for compliance.

[Sections 373.219, 373.223, 373.229, 373.308, 373.316, 373.413, and 373.416, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.500-531, and 40E6.381, F.A.C.]

b. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-6 and 40E-63 (Works or Lands of the District), F.A.C.

c. Off-site Impacts

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

SECTION B: SPECIFIC CONDITIONS

[Sections 373.223 373.309, and 373.413, F.S.; Rules 40E-2.091, 40E-2.381, 40E-3.301(3), 40E-3.301(4), and 40E-6.381, F.A.C.]

d. Liability

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

[Sections 373.223 and 373.443, F.S.; Rules 40E-2.091, and 40E-2.381, F.A.C.]

e. Construction, Operation, and Maintenance Responsibilities

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

[Sections 373.309, 373.413, and 373.416, F.S.; Rules 40E-3.301 and 40E-6.381, F.A.C.]

f. Access

SFWMD representatives shall be allowed reasonable escorted access to the power plant 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 the conditions of this Certification. The Licensee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials.

[Sections 373.223, 373.319, and 373.423, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.461, and 40E-6.381, F.A.C.]

g. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Licensee's compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, 40E-20, and 40E-6, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder. Reference: Rule 62-17.191, F.A.C.

h. Enforcement

The SFWMD may confer with FDEP to request FDEP to take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of the SFWMD.

[Sections 373.223, 373.319, and 373.603, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.461, and 40E-6.501, F.A.C.; Section 403.514, F.S.]

2. Processing of Informational Requests

a. Completeness and Sufficiency Review

SECTION B: SPECIFIC CONDITIONS

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

[Section 373.413(2), F.S.]

b. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2, 40E-3, and 40E-6, F.A.C., and the Conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

[Sections 373.413(1) and (2), F.S.]

c. Revisions to Site Specific Design Authorizations

The Licensee shall submit, consistent with the provisions of Condition A.2., any proposed revisions to the site-specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested amendment or modification to the previously authorized design.

[Sections 373.085, 373.219, 373.223, 373.313, F.S.; Rules 40E-2.091, 40E-2.301, 40E-3.461, 40E-6.121, and 40E6.221, F.A.C.]

d. Dispute Resolution

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

[Sections 373.044, 373.085, 373.113, 373.129, 373.413 and 373.429, F.S.; Rules 40E-1.601, 40E-4.331, 40E-6.331, and 40E-6.341, F.A.C.]

e. Objections

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

f. Changes to Information Requirements

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

[Sections 373.085 and 373.229, F.S.; Rules 40E2.101(1), 40E-3.101(2), and 40E-6.101(1), F.A.C.]

SECTION B: SPECIFIC CONDITIONS

B. Water Use Conditions

1. General

a. Water Shortage Compliance

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

[Section 373.246, F.S.; Rule 40E-2.381, F.A.C.]

b. Interference with Existing Legal Uses

The Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation 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:

(1) 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

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

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

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

c. Harm to Existing Off-Site Land Uses

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

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

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

SECTION B: SPECIFIC CONDITIONS

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

[Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

d. Harm to Natural Resources

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

- (1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;
- (2) Reduction in water levels that harm the hydroperiod of wetlands;
- (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
- (4) Harmful movement of contaminants in violation of state water quality standards; or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.

[Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

e. Well System Operation

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

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-531, F.A.C.]

2. Site Specific Design Authorizations

a. Authorized Monthly Withdrawals

(1) This Certification authorizes a maximum monthly withdrawal of 605 million gallons per month (MGM) from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2.

(2) Upon start-up of Unit 3, the Licensee shall immediately notify the SFWMD in writing (start-up is defined as the initial commissioning of Unit 3, which involves all the major equipment such as the combustion turbines, steam turbines, heat recovery steam generators and cooling towers). Upon receipt of written notification from the Licensee, this Certification authorizes a maximum monthly withdrawal of 907 MGM from the L-10/L-12

SECTION B: SPECIFIC CONDITIONS

Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1, 2 and 3.

(3) Withdrawals from the L10-L-12 Canal are subject to the limitations set forth in Condition B.2.d below.

(4) This Certification authorizes a maximum monthly withdrawal of 1.09 MGM from the Surficial aquifer for potable water for Units 1, 2 and 3.

b. Authorized Annual Withdrawals

(1) This Certification authorizes an average annual withdrawal of 5,550 million gallons per year (MGY) from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2.

(2) Upon start-up of Unit 3, the Licensee shall immediately notify the SFWMD in writing (start-up is defined as the initial commissioning of Unit 3, which involves all the major equipment such as the combustion turbines, steam turbines, heat recovery steam generators and cooling towers). Upon receipt of written notification from the Licensee, this Certification authorizes a maximum annual withdrawal of 10,687.2 MGY from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1, 2 and 3.

(3) Withdrawals from the L10-L-12 Canal are subject to the limitations set forth in Condition B.2.d below.

(4) This Certification authorizes an average annual withdrawal of 12.78 MGY from the Surficial aquifer for potable water for Units 1, 2 and 3.

c. Operation of Plant on Reclaimed Water

(1) Reclaimed water shall be used as the primary cooling, service, and process water source for Units 1, 2, and 3.

(2) Beginning one year after the official start date for the use of reclaimed water, the Licensee shall provide the SFWMD with an annual report describing the reliability of the reclaimed water supply source. This report shall contain a description of any temporary interruptions in service that may have occurred during the course of the preceding year, the reason(s) for the interruption, and solutions implemented to prevent re-occurrence of any such interruptions. If the reclaimed water supply source is demonstrated to be unreliable, then the Licensee shall apply for a modification of this Certification to request approval for another, more reliable, primary water supply source.

(3) After reclaimed water becomes the primary cooling, service, and process water source for Units 1, 2 and 3, there may be temporary interruptions in the delivery of reclaimed water supply to the plant site. Consequently, authorizing a reliable, secondary water supply source for the project is in the public interest and is consistent with the criteria set forth in Section 2.3 of the Applicant's Handbook for Water Use Permit Applications Within the SFWMD (AH). Therefore, this Certification authorizes a maximum withdrawal of 29.28 million gallons per day (MGD) from the upper Floridan aquifer for Units 1, 2 and 3 as a temporary secondary water supply source not to exceed 2,635 million gallons during a calendar year.

d. Limitations on Authorized Withdrawals

Withdrawals from the L-10/L-12 Canal are authorized until reclaimed water becomes the primary cooling, service, and process water source, subject to the following;

SECTION B: SPECIFIC CONDITIONS

(1) Withdrawals from the L-10/L-12 Canal are prohibited when Water Supply Deliveries are being made. Water Supply Deliveries are defined as releases from regional system storage conducted to maintain designated canal stages within the L-10/L-12 Canal that have been depleted by consumptive and non-consumptive uses that occur during dry conditions.

(2) Withdrawals from the L-10/L-12 Canal are prohibited when Regulatory Releases are being made from Lake Okeechobee and water supply demands from existing legal users, authorized prior to May 10, 2006, exceed the capacity of the S-352 structure. Regulatory Releases are defined as releases from Lake Okeechobee that are conducted to pass lake inflows or lower the lake stage for the purpose of current and/or future flood control, pursuant to Lake Okeechobee's Regulation Schedule (in effect at the time of withdrawal).

(3) Determination of water availability from the L-10/L12 Canal shall be made by SFWMD Operations Department staff, based on the following criteria:

(a) When the Licensee is withdrawing from the L-10/L-12 Canal, the Licensee shall contact the SFWMD's West Palm Beach Operations Control Center by 8:00 a.m. each Friday for a determination as to whether or not water is available from this source for the following week. In the event that water is unavailable from the L-10/L-12 Canal for the following week, the Licensee shall have up to 48 hours following the determination of unavailability to cease withdrawals from the L-10/L-12 Canal.

(b) When the Licensee is using reclaimed water or withdrawing from the Floridan aquifer, the Licensee may (but is not required to) contact the SFWMD's West Palm Beach Operations Control Center by 8:00 a.m. each Friday for a determination as to whether or not water is available from the L-10/L-12 Canal for the following week.

(c) Determination of water availability from the L-10/L-12 Canal shall be made only if water is available for a minimum period of one week. Shorter time-frames will not be authorized by the SFWMD's West Palm Beach Operations Control Center.

e. Authorized Withdrawal Facilities

GROUNDWATER - EXISTING

1 – 24" x 1610' x 4700 GPM well cased to 1065' withdrawing from the upper Floridan aquifer
1 – 24" x 1475' x 7000 GPM well cased to 1063' withdrawing from the upper Floridan aquifer
1 – 24" x 1597' x 3500 GPM well cased to 1052' withdrawing from the upper Floridan aquifer
1 – 24" x 1318' x 3600 GPM well cased to 1083' withdrawing from the upper Floridan aquifer

GROUNDWATER – PROPOSED

3 – 24" wells withdrawing from the upper Floridan aquifer (well depth, cased depth and GPM to be provided after construction)

1 - 6" x 111' x 30 GPM well cased to 81' withdrawing from the Surficial aquifer

SURFACE WATER - PROPOSED

2 – 700 HP x 36" x 14,000 GPM surface water pumps withdrawing from the L-12 Extension Canal

f. Emergency Withdrawals

Any withdrawals from the L-10/L-12 Canal, the Floridan aquifer, or the Surficial aquifer in excess of the withdrawals authorized under this Certification shall require prior SFWMD approval. Any withdrawals from alternative surface or groundwater supply

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sources shall require prior SFWMD approval. The SFWMD may grant such approval for any emergency withdrawals less than 90 days in duration without modifying these Conditions of Certification. The SFWMD's approval shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

g. Consistency Review of Authorized Withdrawals

Within ten years from the date of issuance of the Certification Order and every ten years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the groundwater withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the AH, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

h. Request for Modification of Withdrawals

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

i. Dewatering Activities

Prior to commencement of construction of those portions of the project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the nonprocedural requirements of Chapters 40E-2 and 40E-3, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

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- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- (7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
- (8) The location of any infiltration trench(es) and/or recharge barriers; and
- (9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

[Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E3.500-531, F.A.C.]

j. Reporting Requirements

Prior to the use of any proposed withdrawal facility authorized under this Certification, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to subsection 4.1 of the AH. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification every five years from each previous calibration, continuing at five-year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

k. Licensees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the SFWMD. The water accounting method and means of calibration shall be stated on each report.

[Section 373.250, F.S.; Rule 40E-2.301, F.A.C.]

l. Existing Well Repair, Replacement, Abandonment

If any of the existing 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.

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E 3.411, and 40E-3.500-531, F.A.C.]

m. New Well Construction

Prior to construction of any new or replacement 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 well locations are different from those previously reviewed and approved in this Certification, the Licensee shall also submit to the SFWMD, for review and approval, an evaluation of the impacts of the proposed pumpage from the proposed

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

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381,

F.A.C.]

n. Water Conservation Plan

If any changes are proposed to the project's water use as part of an amendment or modification to this Certification, a revised water conservation plan may be required. If required the revised plan shall, at a minimum, incorporate the following components:

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

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(c) Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

[Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381,

F.A.C.]

3. Special Conditions

a. General Requirements

(1) Prior to commencement of construction or utilization of the SFWMD's right of way, the Licensee shall contact the SFWMD's field representative at the West Palm Beach Field Station office to schedule a pre-construction meeting.

(2) The Licensee shall comply with any more stringent conditions set forth in other required permits and approvals for the certified facility.

(3) A copy of the Certification application, Certification order, SFWMD post-certification submittals, and the SFWMD's construction authorization letter will be kept at a location to be determined until completion of all phases of construction and acceptance of the constructed facilities and restoration of the right of way by the SFWMD's field representative.

(4) The Licensee shall be responsible for the removal of all materials and debris from the SFWMD's canal and right of way, and, for the repair, replacement and restoration of any sections of the SFWMD's right of way damaged or disturbed resulting from the authorized activity. Restoration shall be to the satisfaction of the SFWMD and shall include grading/re-shaping, seeding, re-sodding with bahia, argentine, or other species recognized by the SFWMD as a drought tolerant species.

(5) Should the authorized activities or placement of the authorized facilities or within the SFWMD's right of way or maintenance of same contribute to

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shoaling, erosion or wash-outs of the SFWMD's right of way, berm or side slope of the canal, it is the Licensee's sole responsibility and expense to, upon notification from the SFWMD, immediately take appropriate steps to restore the right of way to its pre-construction condition to the satisfaction of the SFWMD to the extent of the Licensee's contribution to such shoaling, erosion or wash-out.

(6) At no time shall the Licensee place permanent or semi-permanent above-ground encroachments or facilities within the 40-foot wide strip of land lying parallel to the canal, as measured from the top of the existing canal bank landward, unless otherwise authorized in this Certification or any post-certification approvals.

(7) At no time shall the Licensee place above ground facilities within the SFWMD's designated 100-foot long equipment staging areas located at all bridges and pile-supported utility crossings, unless otherwise authorized in this Certification or any post-certification approvals.

(8) Immediately upon completion of the authorized work, the Licensee shall contact the SFWMD's field representative at the West Palm Beach Field Station office to schedule a final inspection.

b. Inlet Structure

(1) This inlet structure shall be for surface water withdrawals from the West Palm Beach (L-12 Extension) Canal only. The use of this installation as a discharge facility is not authorized.

(2) The top of any rip-rap or other slope protection must match the elevation of the existing ground.

(3) The Licensee shall construct the inlet structure and associated slope protection to preclude erosion.

(4) The Licensee shall obtain prior approval from the SFWMD for any fill pads or other areas needed for temporary or long-term construction staging within SFWMD right-of-way. Said fill pads or other staging areas shall not encroach the canal section. The Licensee is advised that approvals from the Florida Department of Transportation (FDOT) may be required for such facilities.

c. Temporary Use of SFWMD Right Of Way for Construction Activities

(1) Work activities within the L-12 Extension Canal are prohibited between May 1st and October 31st. Any work activities initiated before May 1st shall be completed by May 1st. The Licensee may submit a request to the SFWMD to conduct limited construction activities as may be required, to prepare for construction or to complete work already underway. Such request(s) shall be submitted to the SFWMD at least 30 days prior to October 31st in order to commence work prior to October 31, and at least 30 days prior to May 1 in order to continue work after May 1. Approval of any such request shall be at the sole discretion of the SFWMD.

(2) Prior to commencement of any new construction or any utilization of the SFWMD's right of way, for access during construction and/or for inspection, maintenance, and/or operation of the transmission line Project after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the following: proposed route; type,

SECTION B: SPECIFIC CONDITIONS

weight, length, and number of vehicles to be used; daily trips for each vehicle; proposed material and/or vehicle/equipment storage within the right-of-way; and dates of proposed access of the right of way. If travel over a District bridge or facility is required, Licensee shall submit engineering analysis required by the District to determine if the bridge or facility can support the vehicles/equipment proposed to travel over the bridge or facility. Prior to the use of any portion of the SFWMD right-of-way, the Licensee must post a financial assurance, which shall be a minimum of \$5,000 per one-half mile, or a greater amount as determined by SFWMD, depending on the scope of work, the route, use of or travel over SFWMD bridges and/or facilities, types of vehicles, and duration. In addition, Licensee must obtain liability insurance covering the Licensee use of that portion of the right-of-way. Licensee shall comply with all safeguards and guarantees, financial or otherwise, required by SFWMD to ensure that no damage, liability or loss occurs to the District's right of way, including its bridges and facilities. All use of the SFWMD's right-of-way by Licensee shall be in accordance with Chapter 40E-6, F.A.C., and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C.

(3) Upon approval of the temporary access described in paragraph (2) above, the Licensee shall contact the SFWMD's field representative at the West Palm Beach Field Station office to schedule a pre-construction meeting. The Licensee shall prepare and present the following items at the pre-construction meeting.

(a) A list of 24-hour contact personnel. The list shall include the contractor and designer, their titles and telephone numbers for office, mobile, beeper, home or local residences.

(b) A written inventory of the type of vehicles, construction equipment, other machinery and materials which will be located within the SFWMD's right of way.

(c) Written procedures for the clearing of all construction materials, coffer dam, machinery, equipment barges or other floating equipment and vehicles from the canal and the area immediately adjacent to the canal within 24-hours notice from the SFWMD.

(d) A list containing the names and contact numbers of the individuals responsible for the various operations involved in the clearing procedures.

(4) The Licensee is responsible for providing and utilizing acceptable dust control measures throughout the life of project.

(5) No vehicular maintenance/repair activities or substances or parts associated with the repair or maintenance of vehicles/equipment will take place, be used, stored or discarded within the right of way nor shall the SFWMD's right of way be used for storage or parking of equipment, associated machinery or construction trailers.

(6) The Licensee shall not stockpile excavated material in the canal. Any temporary stockpiling of excavated material within the canal right of way shall be addressed at the preconstruction meeting and, if approved, shall be at the sole discretion of the SFWMD. The Licensee is responsible for the removal of all excess project related material from the SFWMD's right of way, unless otherwise authorized in this Certification or any post-certification approvals.

SECTION B: SPECIFIC CONDITIONS

(7) Licensee shall certify to SFWMD initially, and in subsequent years as requested by the SFWMD, in the form of an affidavit, that Licensee is self-insured. Licensee shall submit to SFWMD an audited financial statement to support its affidavit of self-insurance and as evidence of Licensee's financial ability to comply with the conditions stated herein.

d. Storm Event Notifications/Requirements During Construction Activities

(1) If storm, hurricane, or emergency circumstances are developing, the SFWMD will attempt to provide a forty-eight (48) hour notice. The Licensee will be contacted by telephone or a visit to the construction site wherein the Licensee will be informed of the emergency situation. The Licensee is put on notice that the 48-hour notice is a warning that the SFWMD may or may not be able to provide the Licensee.

(2) If storm, hurricane or emergency circumstances have developed, the SFWMD will contact the Licensee by telephone or visit the site to place the Licensee on 24-hour alert. At this time, the Licensee and the Licensee's contractor(s) and sub-contractor(s) must begin securing the project site and removing temporary equipment from the canal per the SFWMD's approved contingency plans, including any temporary sheet pile cofferdam. The SFWMD will not require removal of any part of the cofferdam structure that will become part of the permanent inlet structure.

(3) The Licensee is advised that the SFWMD's hurricane, storm event and/or emergency alert may differ from the National Hurricane Center or the local news and weather. The SFWMD takes into consideration the numerous factors concerning construction within the channel and canal rights of way. As such, upon the SFWMD's notification to the Licensee of a pending emergency, storm event, or hurricane, the Licensee has twenty-four (24) hours or less to comply with SFWMD orders and the previously submitted SFWMD-approved contingency plan.

e. Removal of Exotic/Nuisance Vegetation

(1) The Licensee shall remove all exotic vegetation from within the SFWMD's right of way throughout the limits of the project and keep the right of way free of said exotic vegetation throughout the life of the project.

(2) The Licensee is put on notice that successful removal of the exotic vegetation may require the application of a suitable herbicide on cut stumps, etc. by following manufacturers label instructions.

(3) The Licensee shall take all precautions to not damage or destroy existing native (indigenous) vegetation located within the SFWMD's right of way throughout the project limits.

(4) The Licensee shall not remove, cut, trim or treat with herbicide applications any mangrove or other shoreline vegetation native (indigenous) to the region. (5) The Licensee shall maintain the project area on a regular cycle basis and keep the right of way free of excessive weeds and exotic vegetation.

Reference: Sections 373.044, 373.113, 373.085(1), 373.086, 373.103, 373.129, and 373.603, F.S.

SECTION B: SPECIFIC CONDITIONS

C. Everglades Works of the District

Prior to the commencement of construction of the surface water management system or any modifications thereto that involve off-site discharges, the Licensee shall submit the details of the proposed surface water management system design/modifications to the SFWMD for a determination of compliance with the nonprocedural requirements of Chapter 40E-63, F.A.C. All plans, details, and calculations shall be signed and sealed by a Florida Registered Professional Engineer. Upon review of the submitted plans/calculations, the Licensee may be required to incorporate additional water quality treatment methods, a Best Management Practices Plan, and a Water Quality Monitoring Plan into the project design.

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION **Replaces Condition XXIII. Endangered and Threatened Species**

A. General Listed Species Survey **New**

1. The Licensee shall follow the current survey protocols for all listed species that may occur within the Certified Facility as well as accessible appropriate buffers within the property or rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the FWC's Florida Wildlife Conservation Guide at <http://myfwc.com/conservation/value/fwcg/>. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols.

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

B. Specific Listed Species Surveys **New**

1. Prior to new construction, surveys shall be conducted by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species utilizing FWC guidelines and methodologies.

2. FWC's survey protocols may be downloaded from <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

3. FWC's permitting guidelines for the gopher tortoise may be downloaded from <https://myfwc.com/media/11854/gt-permitting-guidelines.pdf>.

4. This survey shall identify locations of breeding locations, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. These locations should also be physically marked so that clearing and construction will avoid impacting them.

5. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Certified Facility prior to land clearing and construction activities using 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, Section 9, Florida Constitution; Section 379.2291, F.S.; Chapters 68A-4, 68A-16, 68A-27, and Rule 62-17.191, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

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

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

C. Listed Species Locations New

Prior to new construction, where any suitable habitat and evidence is found of the presence of listed species within the Certified Facility, the Licensee will report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the in-service date specified in the Public Service Commission's need determination. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

1. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office and the FWC's Office of Conservation Planning Services. If avoidance is not feasible, the Licensee shall consult with DEP and FWC for listed wildlife species, to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within FWC's respective jurisdiction.

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

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES **Replaces Condition XXII. Historical or Archaeological Finds**

A. Prior to any new construction involving ground-disturbing activities in areas not previously surveyed, the Licensee shall conduct a survey of any cultural resources, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the evaluation defined in the work plan, the results will be compiled into a report which shall be submitted to DHR. If feasible, any sites determined to be eligible for listing on the National Register of Historical Places (NRHP) shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered NRHP-eligible sites is not feasible, impacts to those sites shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate

B. If historical or archaeological artifacts or features are discovered at any time within the certified facility, the Licensee shall notify the appropriate DEP District office(s) and the DHR, R.A. Gray Building, 500 South Bronough Street, Room 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

SECTION B: SPECIFIC CONDITIONS

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES **Replaces Condition IV. Facility Operation, 2nd paragraph**

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at Certified Facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

VII. PALM BEACH COUNTY

A. Noise **Moved from Condition XX. Noise**

Construction and operation noise shall not exceed noise criteria or any applicable requirements of Palm Beach County. The Licensee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines.

B. Flood Control Protection **Moved from Condition XXI. Flood Control Protection**

The plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Palm Beach County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent.

C. Development Order **Moved from Condition XXXV. Palm Beach County**

The licensee shall comply with the requirements contained within Development Order Resolution Number R-2002-0009, as amended via Resolution Number R-2004-0401, Resolution Number R-2007-2144, and any subsequent applicable amendments.

D. Screening **Moved from Condition XVIII. Screening**

The Licensee shall provide screening of the site to the extent feasible through the use of acceptable structures, vegetated earthen walls, or existing or planted vegetation.

E. Domestic Wastewater Facilities **Moved from Conditions XXIX. Industrial and Domestic Wastewater**

The Licensee is hereby authorized to operate potable water facilities as shown or described in the West County Energy Center Site Certification Application and other documents on file with the Department and made a part hereof. Non-transient, non-community potable water facilities shall comply with any applicable provisions of Palm Beach County Environmental Control Rule I.

F. Potable Water **Moved from Conditions XXIX. Industrial and Domestic Wastewater**

Non-transient, non-community potable water facilities shall comply with any applicable provisions of Palm Beach County Environmental Control Rule-11.

SECTION B: SPECIFIC CONDITIONS

[Original Certification, 11/18/08, and amended resolutions henceforth; Chapter 11, Section 27-66, PBC Code]

VIII. DIVISION OF EMERGENCY MANAGEMENT Moved from Condition XXIV. Emergency Management

A. The Licensee shall prepare a West County Energy Center hurricane preparation and recovery plan. The plan shall be submitted to the Division of Emergency Management and the Palm Beach County Office of Emergency Management no later than completion of building construction code compliance review of the West County Energy Center by Palm Beach County.

B. The Licensee shall formally update the plan every five (5) years following commencement of commercial operation of the West County Energy Center and whenever an additional electrical generating unit is brought into service at the West County Energy Center site. The updated plan shall be submitted to the Division of Emergency Management and the Palm Beach County Office of Emergency Management.

C. The Division of Emergency Management will review the plan and any plan update. If the Division of Emergency Management deems the plan or any plan update not to be in compliance with the requirements of these Conditions of Certification, it may petition the Department for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.

[Chapter 252, F.S.]

HISTORY

Certified	12/26/06 (Units 1 & 2); signed by Governor Bush
Modified	03/29/07 (Mod A); signed by Siting Administrator Halpin
Certified	11/17/08 (Unit 3); signed by DEP Secretary Sole
Modified	12/23/09 (Mod B); signed by Siting Administrator Halpin
Modified	08/16/17 (Mod C); signed by Siting Administrator Mulkey
Withdrew	11/2/2018 (Mod D)
Modified	XX/XX/XX (Mod E); signed by Deputy Director Mulkey

ATTACHMENTS

ATTACHMENT A: Maps

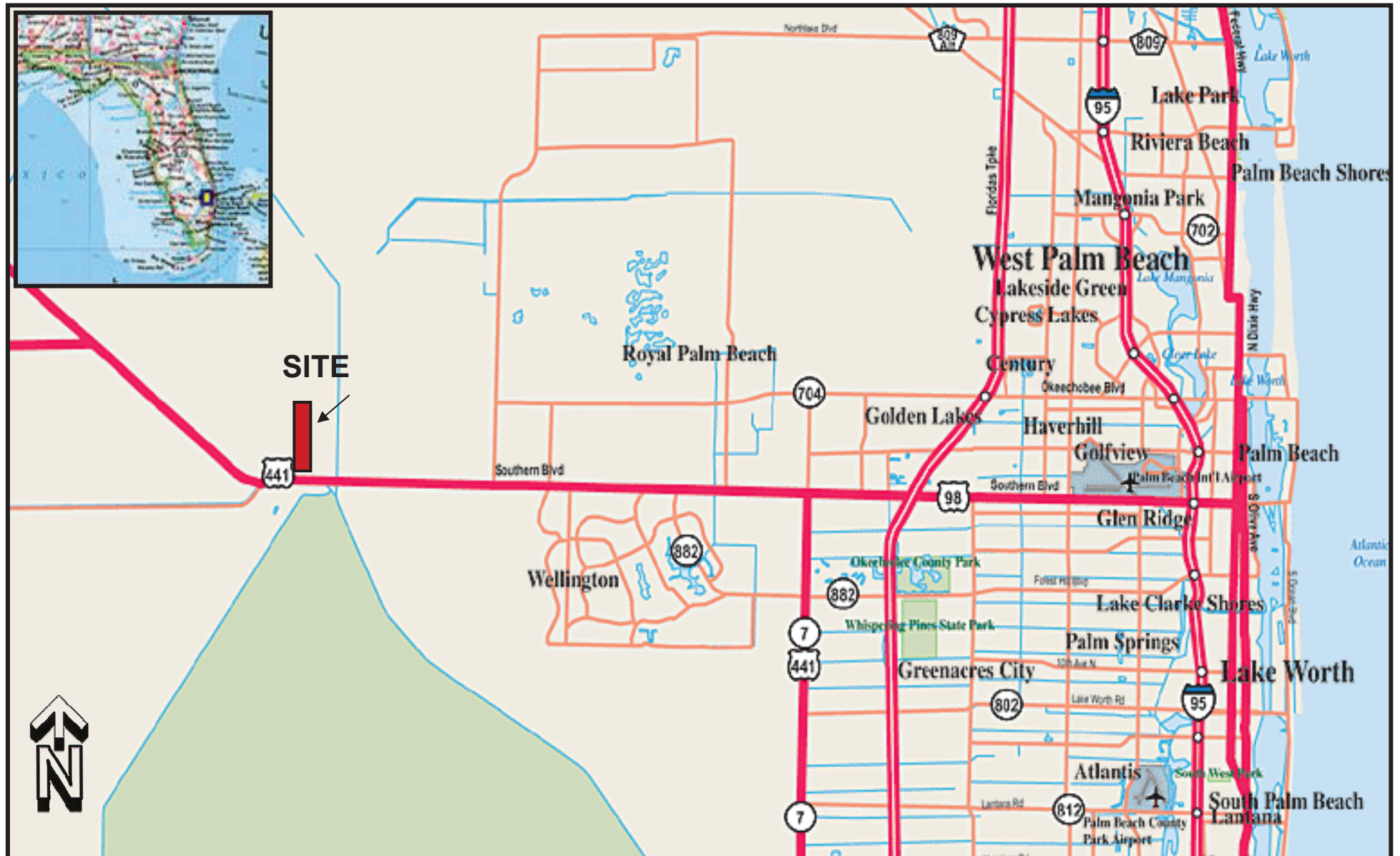
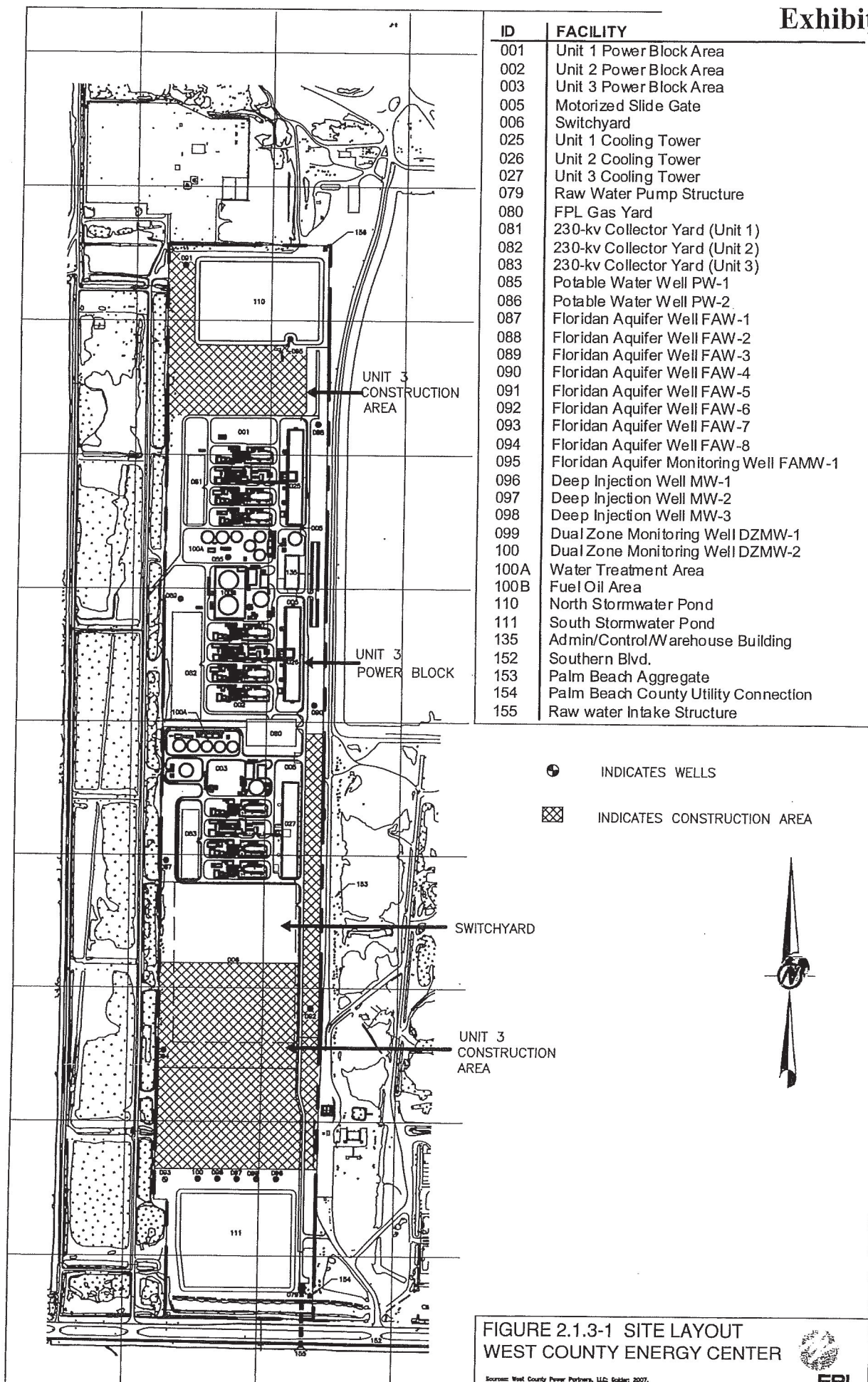


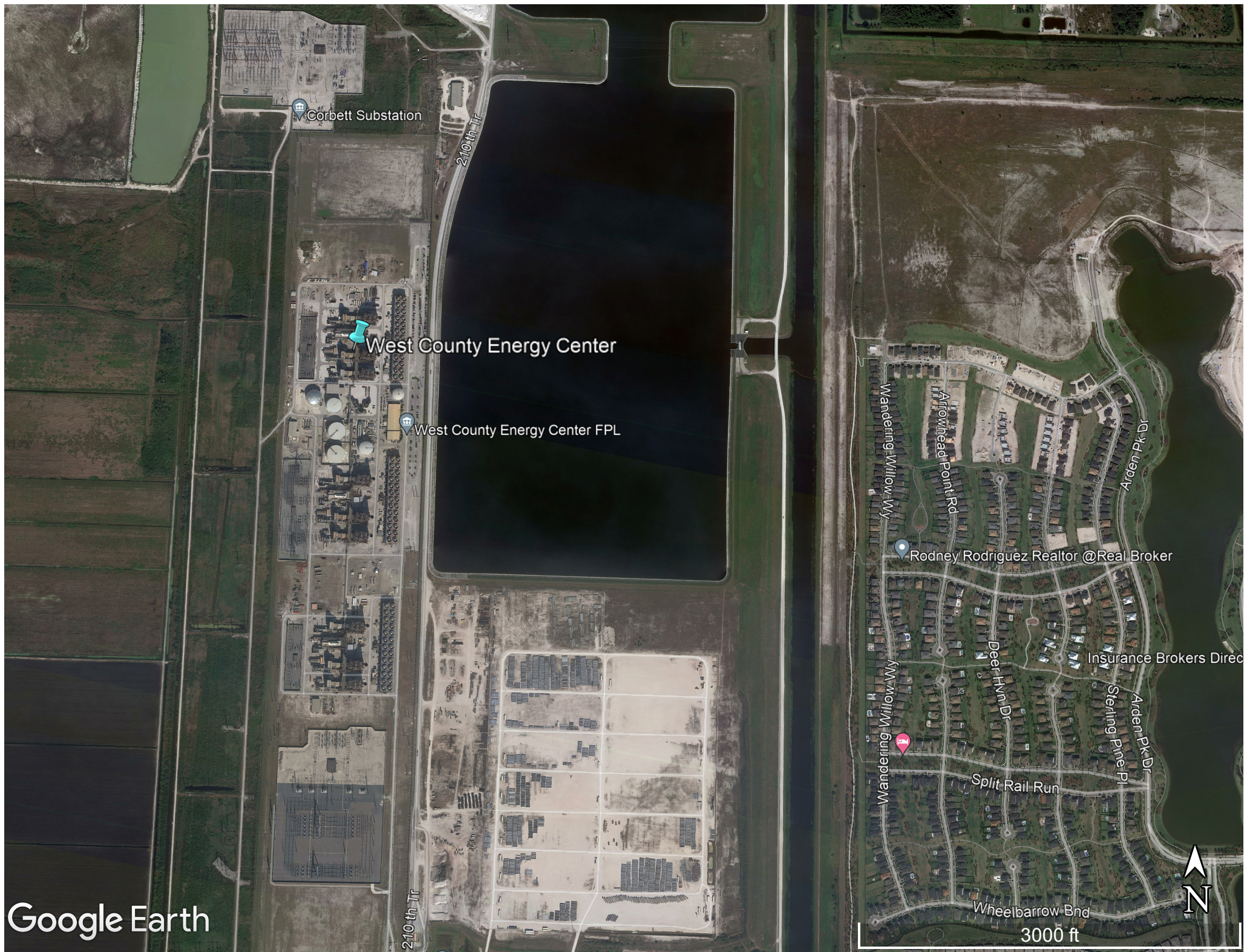
Figure 1.1.0-1.
 Plant Site Location
 FPL West County Energy Center, Palm Beach County, Florida

Not to Scale: 1" = ~3 miles.

Source: SFWMD website; Golder, 2005.







Corbett Substation

210th Tr

West County Energy Center

West County Energy Center FPL

210th Tr

Wandering Willow Wy

Arrowhead Point Rd

Arden Pk Dr

Rodney Rodriguez Realtor @Real Broker

Insurance Brokers Direct

Deer Hvn Dr

Arden Pk Dr

Sterling Pine Pl

Split Rail Run

Wheelbarrow Bnd

3000 ft



Google Earth

ATTACHMENT B: Surface Water Management System Operation and Maintenance Requirements

1. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall be in accordance with the designs, plans, calculations, and other specifications that are submitted with any amendment or modification and approved by the Department.
2. A registered professional must perform inspections annually after conversion of the project to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of the stormwater management system or other surface water management systems that may endanger public health, safety, or welfare, or the water resources, and to insure that systems are functioning as designed and approved. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".
3. If deficiencies are found, the West County Energy Center will be responsible for correcting the deficiencies so that the project is returned to the operational functions as designed and approved. The corrections must be done a timely manner to prevent compromises to flood protection and water quality.
4. If the operational maintenance and corrective measures are insufficient to enable the systems to meet the performance standards of this chapter, the West County Energy Center must either replace the systems or construct an alternative design.
5. The West County Energy Center shall provide for periodic inspections in addition to the annual inspections, especially after heavy rain. It must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and approved, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the permit, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
6. The West County Energy Center shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Southeast District Office at 561-681-6600. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.
7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:
 - (1) Removal of trash and debris from the surface water management systems,

ATTACHMENTS

- (2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,
 - (3) Inspection of stormwater berms, if applicable,
 - (4) Inspection of pipes for evidence of lateral seepage,
 - (5) Inspection of flapgates for excessive backflow or deterioration, if applicable,
 - (6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,
 - (7) Stabilization and restoration of eroded areas,
 - (8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and
 - (9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.
8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:
- (1) Overland flow systems shall include provisions for:
 - a. Mowing and removal of clippings, and
 - b. Maintenance of spreader swales and overland flow areas to prevent channelization.
 - (2) Spray irrigation systems for reuse/disposal shall include provisions for:
 - a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and
 - b. Maintenance of the sprayfield to prevent channelization.
 - (3) Treatment systems which incorporate isolated wetlands shall include provisions for:
 - a. Stabilization and restoration of channelized areas, and
 - b. Removal of sediments which interfere with the function of the wetland or treatment system.

ATTACHMENTS

ATTACHMENT C: Mitigation Plans (if applicable)

ATTACHMENTS

ATTACHMENT D: Discharge Monitoring Reports

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed submit this report to: Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406-3007

PERMITTEE NAME:	Florida Power & Light	PERMIT NUMBER:	FLA681385-003-DWF	
MAILING ADDRESS:	700 Universe Blvd Juno Beach, Florida 33408-2657	LIMIT:	Final	REPORT FREQUENCY:
		CLASS SIZE:	N/A	Monthly
FACILITY:	Florida Power & Light West County Energy Center	MONITORING GROUP NUMBER:	U-001	PROGRAM:
LOCATION:	20505 SR-80 Loxahatchee, FL 33470-	MONITORING GROUP DESCRIPTION:	Injection Well, with Influent	Domestic
		RE-SUBMITTED DMR:	☐	
		NO DISCHARGE FROM SITE:	☐	
COUNTY:	Palm Beach	MONITORING PERIOD	From: _____ To: _____	
OFFICE:	Southeast District			

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 Y Mon. Site No. EFF-01	Permit Requirement				20.0 (An.Avg.)			mg/L		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 1 Mon. Site No. EFF-01	Permit Requirement				60.0 (Max.)	45.0 (Max.Wk.Avg.)	30.0 (Mo.Avg.)	mg/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 Y Mon. Site No. EFF-01	Permit Requirement				20.0 (An.Avg.)			mg/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-01	Permit Requirement				60.0 (Max.)	45.0 (Max.Wk.Avg.)	30.0 (Mo.Avg.)	mg/L		Monthly	Grab
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. FLW-01	Permit Requirement		Report (Mo.Avg.)	MGD					0	5 Days/Week	Flow Totalizer
Flow	Sample Measurement										
PARM Code 50050 Y Mon. Site No. FLW-01	Permit Requirement		0.005 (An.Avg.)	MGD						5 Days/Week	Flow Totalizer

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DAILY SAMPLE RESULTS - PART B

Permit Number:
Monitoring Period

FLA681385-003-DWF

From: _____ To: _____

Facility: Florida Power & Light West County Energy Center

	BOD, Carbonaceous 5 day, 20C mg/L	Flow MGD	Solids, Total Suspended mg/L								
Code	80082	50050	00530								
Mon. Site	EFF-01	FLW-01	EFF-01								
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
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24											
25											
26											
27											
28											
29											
30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
Evening Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. Facilities who submit their DMR(s) electronically through eDMR do not need to submit a hardcopy DMR. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used, unless indicated otherwise in the permit or on the DMR:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units. Data qualifier codes are not to be reported on Part A.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Data qualifier codes are not to be reported on Part D.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.